This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

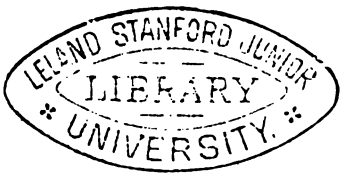
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

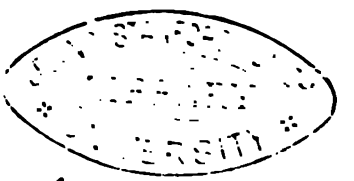
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

STANFORD UNIVERSITY LIBRARIES · STANFORD UNIVE
UNIVERSITY LIBRARIES · STANFORD UNIVERSITY LIBR
LIBRARIES · STANFORD UNIVERSITY LIBRARIES · STAN
ERSITY LIBRARIES · STANFORD UNIVERSITY LIBRARIES · S
RARIES · STANFORD UNIVERSITY LIBRARIES · STANFORD U
NFORD UNIVERSITY LIBRARIES · STANFORD UNIVERSITY L
STANFORD UNIVERSITY LIBRARIES · STANFORD UNIVER
UNIVERSITY LIBRARIES · STANFORD UNIVERSITY LIBR



A 22893


A 22893

1. 31,246

THE ENGLISH

STORICAL REVIEW

EDITED BY

S. R. GARDINER, M.A., LL.D.

FELLOW OF MERTON COLLEGE, OXFORD

ASSISTED BY

REGINALD L. POOLE, M.A., PH.D.

EDITOR JUSTIN WINSOR, LL.D., Librarian of Harvard College, Cambridge, Massachusetts.

VOLUME VIII.

1893

LONDON

LONGMANS, GREEN, AND CO.

AND NEW YORK: 15 EAST 16TH STREET

1893

LELAND STANFORD JUNIOR
LIBRARY
UNIVERSITY.
A 22893

CONTENTS OF VOL. VIII.

PAGE

THE EMPEROR ZENON AND THE ISAURIANS. By *E. W. Brooks* . 209

LEGAL EXECUTION AND LAND TENURE. By *Professor Jenks* . 417

FOLKLAND. By *Professor Vinogradoff* 1

ANGLO-SAXON LAW. By *Sir Frederick Pollock, Bart., LL.D.* . 289

THE SETTLEMENT OF THE CISTERCIANS IN ENGLAND. By *Miss Alice M. Cooke* 625

THE BULL LAUDABILITER. By *Miss Kate Norgate* . . . 18

WACE AND HIS AUTHORITIES. By *J. H. Round* 677

THE SECURITY OF COPYHOLDERS IN THE FIFTEENTH AND SIXTEENTH CENTURIES. By *I. S. Leadam* 684

MARY AND ANNE BOLEYN. By *James Gairdner* 53

THE SPANISH ARMADA AND THE OTTOMAN PORTE. By *Edwin Pears* 429

FATHER WILLIAM CRICHTON, S.J. By *T. G. Law* 697

THE ROYAL NAVY UNDER CHARLES I. By *M. Oppenheim* . . 467

NAVAL PREPARATIONS OF JAMES II IN 1688. By *J. R. Tanner* . 272

VILLARS. By *his Honour Judge William O'Connor Morris* . . 61

LALLY'S VISIT TO ENGLAND IN 1745. By *Frederick Dixon* . . 284

NAPOLEON AND ENGLISH COMMERCE. By *J. H. Rose* . . . 704

ANTON GINDELY. By *Principal A. W. Ward, Litt. D.* . . . 500

NOTES AND DOCUMENTS 80, 288, 515, 726

REVIEWS OF BOOKS 109, 314, 535, 744

LIST OF HISTORICAL BOOKS RECENTLY PUBLISHED 193, 402, 609, 817

CONTENTS OF PERIODICAL PUBLICATIONS . . 201, 410, 618, 825

INDEX 833

Pollock,[11] Earle,[12] Reinhold Schmid,[13] Konrad Maurer,[14] Gneis Waitz,[15] Sohm,[16] Brunner,[17] Schröder,[18] and Kovalevsky.[19]

It is not in any spirit of contradiction that I venture to set face against this received opinion. If after many misgivings I d to do so, my excuse must be that the ranks of Allen's followers not by any means so closely arrayed as at first sight they appea be. A curious process of development has been going on, a were, within the theory, in the course of which process m imperfections in it have been discovered by successive scholars, have tacked on to it various appendices which seem hardly con tent with the original principle. I should like to trace the so what sinuous course of this critical process and to carry it a l further—to carry it to a point at which Allen's dogma has tc altogether abandoned.

The materials which Allen brought to the construction of theory were in the main the following:[20]—(1) The term *folkl* is in itself quite plain and full of meaning. It designates the l of the folk, the land that is owned by the folk as a whole, as trasted with that which is owned by smaller groups, by private dividuals, or by the king. (2) If nevertheless we find folkland in hands of private individuals, this can only mean that they had use of it, while the ownership remained with the state or f (3) The will of Ealdorman Alfred, one of the three document which the term occurs, shows that if a piece of folkland wa private hands, then on the death of the occupant it would rever the state; if his heirs were to enjoy it a new grant was necess (4) A famous letter by Beda must be understood as speakin the folkland, for it evidently refers to land owned by the state used as a fund out of which warriors might be remunerated their services. In this letter Beda condemns the lavish alienat of this national fund. (5) Thus the part played by the folklan England is parallel to that played by the royal demesne, the *fi* of the continental nations, from which *beneficia* are distribu to soldiers, *beneficia* which will be held by a tenure less and less complete than allodial ownership. The one peculia of the English system is that it distinguishes between king state, and treats this great demesne as the property of the peo (6) Alienation of the folkland was possible. It could be conver into private property by an act of the government, namely, by an

[11] *Land Charters*, p. 11.
[12] *Gesetze*, glossary, s.v. Folc-land.
[13] *Krit. Ueberschau.* i. 102
[14] *Hist. Engl. Const.* i. 3.
[15] *Deutsche Verfass. Gesch.* ii. 2
[16] *Reichs- und Gerichtsverfassung*, p. 31.
[17] *Zur Rechtsgeschichte des röm. u. germ. Urkunde*, p. 184.
[18] *Lehrbuch der deutschen Rechtsgeschichte*, p. 205.
[19] *Law Quarterly Review*, v. 273, 1888.
[20] Allen, *Royal Prerogative*, 2nd ed. p. 135–159.

of the king and the witan as representatives of the nation. Our store of Anglo-Saxon charters contains a great many documents which bear witness to transactions of this kind. They—though the term *folkland* may but rarely occur—are concerned with the conversion of folkland into bookland. (7) Historically all bookland has been folkland; all private property has been carved out of the state demesne by governmental grants, though originally the transfer may have been effected by ceremonial investiture without a charter.

Kemble endorsed most of these doctrines, but in the course of his wide study of the old English records he came to the conclusion that Allen's classification of landed property was much too simple to reflect all the varieties of tenure displayed by the laws and the charters. Allen had treated the contrast between folkland and bookland as though all or almost all proprietary rights in land could be brought under one of these two heads. Kemble, on the other hand, laid stress upon the mark, the land which belongs to communities, such as the shire, the hundred, the township, the kindred. Again—and this is more important—Kemble saw that it was impossible to bring all or nearly all the forms of private ownership under the head of bookland. Can we really believe that all private ownership has been carved out of national ownership by a series of definite and particular grants? Must we not hold that when the land was newly conquered some general scheme of partition and endowment was adopted? We constantly come upon traces of the existence of lands, which, while they are held by individuals, are held under rules which differ materially from those which govern that full ownership which has been created by 'book.' By the side of that bookland which is freely alienated and devised by its owner, we find plots which cannot be thus disposed of, but which must descend among the males of a certain family. To describe such plots as these, Kemble introduced the term *ethel*. Thus the classification of tenures became in his hands more complex. Instead of two species, folkland and bookland, it must distinguish at least four—(1) ethel, (2) bookland, (3) markland, (4) folkland. With these we do not co-ordinate, though we may just mention, lænland, for the man who has lænland has but a right of occupying what belongs to another. Then Kemble postulated a constant tendency making towards the liberation of 'the ethel, hide, or alod,' from the restrictions which bound it, towards the conversion of the ethel into bookland, so that before the Norman invasion almost every plot of ethel had become bookland by virtue of charters.[21]

In his valuable articles in the *Kritische Ueberschau*, Konrad

[21] *Saxons*, i. 306: 'Towards the closing period of the Anglo-Saxon polity I should imagine that nearly every acre of land in England had become bócland.'

Maurer declared in favour of the theory thus propounded by A and Kemble: but he had some strictures and qualification offer. His criticism was directed chiefly against Kemble as representative of the theory in its latest and fullest form. found some fault with the vagueness of Kemble's terminology. Kemble's exposition lænland seems to fluctuate between folklar the one hand and bookland on the other. If Kemble can be pi down to any definite opinion about this matter, it must be th charter implies bookland, in other words, that a mere læn coul be created by a written instrument, since the very existence of 'book' would make it bookland. This, Maurer argues, is a mis The true distinction lies between cases in which ownership is t ferred and cases in which it is reserved. The creation of a may be effected or evidenced by a written document, but the gr or lessor reserves the right of ownership, and the grantee or l acquires only a derivative and dependent right. Then there similar haze over Kemble's view of the ethel. He sees that it be kept apart from bookland, and yet is unable to maintai consistent distinction between them. Maurer maintains a st juridical distinction:—the ethel is held under the uniform ru general law, while as to bookland the rules which govern it vary from case to case, according to the varying terms o particular 'books' that are in question. Besides setting a sh edge on Kemble's distinctions and developing the elements of ju theory which were implied in them, Maurer gave a new turn t doctrine by introducing a comparison between English and nental phenomena. The *landsalmenningar* of Sweden might trate the English folkland, while the Norse *óðal* and German *gemal* could be used to explain the English ethel.

A fresh impetus was given to research by the publication in of the four 'Essays in Anglo-Saxon Law' which came to Europe America. The authors of two of them, Lodge and Laughlin, l touch the same question, but Lodge's essay is of special impor A weak point in the classification of tenures proposed by K and Maurer could be found in the remarkable fact that the used for the designation of the most ancient and historical most interesting form of private property, a term that was no to be found in the English legal documents. Neither law charters know anything of 'ethel.' Starting with this inc vertible fact, Lodge struck out 'ethel' from the classificatio substituted in its place 'family land.' This change in nomenc paved the way for a more material change. Armed with the 'family land,' Lodge laid stress on the fundamental diffe between the two kinds of private ownership. The family lan indeed held by an individual, but his dominion over it was s to many restrictions in favour of that family of which he v

some sort the representative. The members of that family would strenuously resist any attempt on his part to acquire a free power of disposition. Bookland was originally introduced by the church in order that pious donations and devises might become possible. Charters were frequently confirmed by the king and witan in order that they might be made secure against the attacks of the donor's kinsfolk. For all this, however, the records of litigation are full of cases which prove that such attacks were often made, and made successfully. But in the end bookland won the day in its struggle against family land. A reminiscence of the struggle we may find in one of Alfred's laws which forbids a man to bequeath even his bookland outside the mægth, or kindred, if his predecessors in title have forbidden its alienation to strangers.[22] But although this special enactment was inspired by the same spirit which had made for the maintenance of family land, the general course of development was in favour of individualism, and on the eve of the Norman conquest bookland, as a peculiar form of ownership, was fast disappearing, just because the principle which animated it had been victorious all along the line, and the rights of the mægth were becoming feeble.

Lodge's merit in abolishing the ethel and in laying emphatic stress upon the contrast between bookland and older forms of private property cannot be contested. But it is curious to find that, while objecting to the term 'ethel' on the ground that it does not occur in the documents, he has to introduce another term which is equally foreign to the Old English language, namely the term 'family land.' And I cannot think that this is a case in which we can exclaim 'What's in a name?' Surely it is a very strange thing that we should be compelled to fabricate for ourselves some artificial designation for a form of property which was at one time the principal form, and which only gave way to other forms after a protracted struggle. Is there no one law, no one charter, which will tell us what this 'family land' was called by those who held it? Sir Frederick Pollock perceived this disappointing flaw in the system, and made a diligent search for some term which would fill the gap. He hit upon a word which Lodge had used in passing. In the famous will of Ealdorman Alfred stood the term *erfe* in a context which may be read as contrasting it with bookland. Pollock proposed to substitute *yrfeland* or *erfland* for Lodge's family land and Kemble's ethel. But we have no warrant for *yrfeland* or *erfland*, while *erfe* has a very general signification and cannot be consistently opposed to bookland.[23]

[22] Alfred, c. 41.

[23] Mr. Lodge, *Essays*, p. 76, introduces *yrfeland* in his free paraphrase of a passage in Ealdorman Alfred's will—'the men to whom I will my *yrfe-land* and my *boc-land*.' But the original document has 'mines erfes and mines boclandes.'

Now to me it seems that there is but one way out of the
culty. I think that on three occasions the term that was use
designate Kemble's 'ethel,' Lodge's 'family land,' Pollock's '
land' is given to us. That term is 'folkland.' Let us look a
the cases in which that term is used.

Once it occurs in a law of Edward the elder which comes
from the beginning of the tenth century.[24]

Eác we cwǽdon, hwæs se wyrðe wǽre, þe óðrum ryhtes wyrnde
oððe on bóclande oððe on folclande, and þæt he him geandagode of
folclande, hwonne he him riht worhte beforan þám geréfan. G
þonne nán riht næfde, ne on boclande ne on folcland, þæt se wǽ
rihtes wyrnde, scyldig xxx. scill. wið þone cyning, and æt óðrum cyn
swa, æt þriddan cyrre cyninges oferhýrnesse, þæt is cxx. scill., but
ǽr geswíce.

In order to understand this passage we must keep in mind
it is denouncing punishment against an offence. The man w
in possession of land is not resisting in a legal way, by litigatior
claim of another who has a better right to it: he has been g
of 'refusing right' to that other; he would neither admi
justice of the claim by surrendering the land, nor would he cc
that claim in a legal way. In such a case the man who is aggr
has to resort to the king as to the supreme custodian of justice
the possessor, if it be proved that he has no right, will have t
a fine to the king, besides having (though this is not stated
many words) to give up the land. The course of procedure
general much the same whether the disputed land be folklan
bookland. One distinction, however, is drawn between them
the case of folkland the rightful claimant must in the first ins
go before the sheriff. We shall hardly be mistaken if we tak
to mean that he must go before the shire-moot. The shire-
is treated as the tribunal which is appropriate if the dispute
cerns folkland. On the other hand the text forcibly suggest
if the dispute concerns bookland no recourse to the sheriff or
shire-moot is necessary: the complainant can go to the
Such is the import of this brief law.

Here then we have a law and we may expect some precisi
its classification of possible cases. The only kinds of land th
mentions are folkland and bookland. Some one is being 'defo
of his right in land; that land will be either folkland or book
Now if for a moment we take folkland to be that which K
called ethel and Lodge called family land, all is plain and si
The legislator enacts a measure against all those who deforce c
of their rights of ownership in land, and he mentions the two cl

[24] Edward, i. 2.

'entailing clauses' which are found in some of the charters dictate Alfred's law in favour of 'strict settlement,' and yet at same time was so weak that it surrendered the old restriction which the folklaw had kept the ethel in the family.

Brunner's researches have made it more than ever plain the so-called ethel cannot have disappeared by the year 90(become gradually merged in bookland by some insensible proc I can but wonder that this great historian has not seen that argument was carrying him far away from the theory of folk with which he started. In his masterly manner he has shown the Anglo-Saxon 'book' was much more than a mere deed cap of transferring rights from one man to another. When once a l has been granted, all subsequent alienations of the land, whe among the living or by will, go back to the original charter *liber antiquus*, and derive their force from it. The *liber anti* governs the land, determines how it shall descend and how it be alienated. When bookland has once been created, it is so n bound up with the book that created it, that the ownership of land can be transferred from one man to another by a mere tra of this *liber antiquus*, and without any new document being dr up, and in legislation about the land the possession of this *antiquus*, this original title-deed, is of very great importance. importance consists in this, that it is no mere transfer of right creates bookland out of what has hitherto been either folklar ethel.

This being so, we should expect to find that the change v converted ethel into bookland had left very definite traces of in our documents. Such traces, however, we cannot find. Brun theory is, as it were, a supplement to Lodge's main argument. I has insisted on the thorough opposition between family land ((and bookland; Brunner shows that the *liber antiquus*, the ori creative charter, is the external symbol of this opposition. yet it is assumed that somehow or another before the tenth ce the ethel had been attracted and assimilated by the bookland all this without any trace being left of those numerous which effected the conversion.

I may be allowed to add one other argument which decisive. It is supposed that already in the tenth century all has become bookland. If that be so, then all ethel must a time have been alienated by book, for not until land has 'booked' is it bookland. Brunner says that the first transl charter was the creation of a new title of bookland.[25] converse must be true: land is not bookland until it has been ferred by charter. Therefore, in order to account for the pearance of the ethel, we must—since there is no trace, no p

[25] *Zur Rechtsgeschichte*, &c., p. 169.

If so, he would have no right to inherit from his father, and
father could not leave the family land (*folkland*) to him. Agai
is quite possible that the son's position was a doubtful one.
may have been the offspring of a union which had not been ble
by the church, but which it would have been harsh to call unlaw
We can easily believe that in the tenth century there were a g
many questions about legitimacy which were open, and the old f
right may have been at variance with the growing jurisprud
of the catholic church. Thus we might explain the testator's re
ence to the king. He hopes that the king will decide that this
can inherit the folkland. And it may be observed that in any
we have to suppose that when the testator speaks of the king
ceding this folkland to the son, he is not leaving the matter to
king's arbitrary will and pleasure. According to the accepted
planation he hopes that the king and witan, as administrato
the national demesne, will make a grant out of the *ager publ*
while according to the explanation that I am suggesting he h
that the king and witan will decide some question of law or of
in favour of the son. That nothing is expressly said of the w
will in neither case surprise anyone who is accustomed to
varying phraseology of the charters.

Let us now examine the relative merits of these two metho
interpreting this document. The notion of a 'beneficiary' ter
the notion of a tenure for life which is often or usually renew
favour of the dead tenant's heir, is by no means absurd in i
nor is it unsuited to the character of the times. But the
designate tenures of this derivative and temporary kind there
a well-known term in common use. The tenant held under a
and the land was for him lænland. Had the ealdorman said,
if the king will concede to him the lænland in addition to the l
land,' there would have been no great difficulty, though even
we might perhaps have wondered at an arrangement which w
compensate the son for the loss of a mere læn by giving hi
estate of bookland. But our charter speaks of folkland and f
upon us the question, Why should a læn of national lan
called anything but a læn? The adherents of the common th
have been a good deal exercised as to the position of læn
Kemble does not know exactly whether a booked læn is lænla
bookland; Maurer maintains that it is not bookland; Lodg
the other hand, thinks that land let by a written instrume
bookland; Brunner controverts this opinion. We are lande
discussions as to whether an 'estate of folkland' is an 'unbo
læn.' All these difficulties arise from the faultiness of the cla
cation from which the accepted theory starts. They begin to
appear so soon as we adopt the simple principle suggeste
Edward's law:—the folkland is the holding of an individual w

is governed by the ancient folkright and, therefore, subject to restrictions which tend to preserve it as a family estate; bookland is land held under the terms of a privilege; lænland is land occupied under an agreement with its owner, whoever that owner may be.

We take up the other explanation of the ealdorman's will. It seems to harmonise with all that we know of the Anglo-Saxon tenures. It fits in with the numerous cases in which the wishes of testators come into conflict with the interests, perhaps the rights, of the kindred. Just as testators are constantly praying the king that 'their wills may stand,' and making him presents to secure this end, so in this instance the ealdorman tries to give his family estate to a son whose right to inherit it is, to say the least, doubtful, and for this purpose he addresses the king. Let us suppose for one moment that the word 'folkland' had not occurred in the document, that the testator had merely said that in addition to certain bookland he desired that his son might, if the king would permit this, have the land at such or such a place. Should we not then, comparing this will with other wills, have said, this testator is (to use Kemble's terms) attempting to get his ethel turned into bookland by a decree of king and witan for the benefit of his illegitimate son? At any rate it would never have entered our heads that the land which was thus dealt with must of necessity be land belonging to the nation.

But the word folkland is used. That is so, and the one argument that can be addressed in favour of Allen's theory is an etymological argument about the meaning of that word. Is that argument perfectly convincing? Are we compelled to treat the 'folk' of this compound word as though it were a genitive of possession? If folkland must be the land of which the folk is owner, must not bookland be the land of which the book is owner? We may look to other words which have folk by way of prefix. We find for instance *folcfrig*; this does not mean the free man of the people, it means the man who is free by folkright, the man free under the ordinary law, the common law. With all due respect for those who have made a special study of the Anglo-Saxon language, I venture to suggest that folkland need not mean the land owned by the people. Bookland is land that is held by bookright;[28] folkland is land that is held by folkright. The folkland is what our scholars have called ethel, and alod, and family land, and yrfeland; it is land held under the old restrictive common law, the law which keeps land in families, as contrasted with land which is held under a book, under a *privilegium*, modelled on Roman precedents, expressed in Latin words, armed with ecclesiastical sanctions, and making for free alienation and individualism.

[28] *Rectitudines*, c. 1: 'Þegenes lagu is, þæt he ys his bócrihtes wyrde.

The third of the three documents[29] is a charter of the year 858, whereby King Æthelbirht, with the consent of his witan, grants a piece of his land (*aliquam partem terre iuris mei*), namely, five hides at Washingwell, to his thegn Wullaf, in exchange for a piece of land at Marsham. Of the land at Washingwell we are told that it was bounded on the west by 'the king's folkland' held by Wighelm and Wulflaf, and we may guess that this Wulflaf is the same person as the Wullaf mentioned above. Then on the back of the document there is a statement in the English language, written by a contemporary hand, which seems to tell us that the king converted into folkland the land at Marsham which he had received by way of exchange. We may infer that in Wullaf's hands the land at Marsham had been bookland.[30]

Three points must be noticed. (1) The king can hold folkland like every one else. (2) His folkland may be let to other people. (3) This transaction with Wullaf is effected with the express consent of the witan.

The first two of these facts present no difficulty to the theory which I am endeavouring to establish. As the king had property and was in many respects treated by the law as a private person, we may expect to find that he had family estates held under the common law, and for some reason or another he may well have desired to increase them. King Alfred's will shows that an Anglo-Saxon king might well desire to maintain the restriction which kept land in his family, and the followers of Allen were agreed that the kingly family, apart from any bookland, must have had estates governed by the rules of the ethel. Æthelwulf's celebrated donation to himself (A.D. 847), which was effected in order that he might give twenty hides to a church, may be an example of the conversion of ethel or family land into bookland. On the other hand Allen's interpretation of the folkland leads to curious results, if we apply it to 'the king's folkland' that was occupied by Wulflaf and Wighelm. We have to suppose that part of the people's land has been let to the king and that he has sublet it to others. I do not say that the notion of the king holding a læn, or something like a læn, from his people is utterly inadmissible, but I should like some further proof of its having been entertained in the ninth century.

The third point, the consent given by the witan to this transaction between the king and his thegn has given rise to some democratic declamation. It has been thought that the folkland was under the special protection of the witan as representatives of the

[29] *Cod. Diplom.* No. 281, ii. 64; Earle, p. 125; *Brit. Mus. Facsimiles*, ii. 33; *Cart. Sax.* 496.

[30] The statement on the back of the charter seems to be no part of the instrument, but a mere note.

to be a temporary or conditional endowment. There is nothing t show that it was not to be a perpetual and absolute endowmen like the endowment of bishoprics with which it is parallel. An then Beda says no word of the folkland or the land of the natior Every word that he uses has an ample meaning if the land of whic he speaks is the royal *fiscus* of the Northumbrians. The bold an liberal wisdom of Beda's letter is certainly very remarkable, es pecially as it comes from a zealous churchman, but it is quite a remarkable whether we suppose him to be speaking of the land o the folk or of the land of the king. This land, he says, should b used for great national purposes and not recklessly squandere away; but we may well ask whether his letter would have been les appropriate had it been written by some Frankish churchman, ad dressed to the bishop of Tours or of Orleans and aimed against th depredation of the royal demesne by improvident kings and corrup ministers. The evils discussed in it were quite general during th early middle ages, and we have no need to postulate an *ager publicu* distinct from the royal demesne in order to understand them or a wise man's denunciation of them. One of the peculiarities of thes prae-feudal states was the necessity they were under of finding thei main support in the lands of the *fiscus*. There was little taxation to maintain the various burdens of government, and so the whol history of every European state was in a large measure the history of the grants of land that were made by the kings. No more vital question could there be for the men of the time than that as to the use to which the king's lands should be put. And everywhere feudalism sets in as these lands are dispersed. The political fabric breaks up with their dispersion. Even in the Byzantine empire we may find traces of a process similar to that described by Beda.[33]

Of the grant which Æthelwulf made to himself I have already had occasion to speak. It is in any case a curious instrument.[34] One thing is plain:—the king wants to have land that he can give by deed or will to pious uses, and I think it quite as easy to suppose that he here obtains the consent of the witan to a conversion into freely alienable bookland of certain lands which have hitherto been his 'ethel' or 'family land,' as that with the consent of the witan he here gives to himself land that had previously been owned by his folk.

[33] It is thus that an English lawyer of Edward I's day can speak (Britton, i. 221), though he knows nothing of the land of the nation: 'Kings also may not so alien the rights of their crown or of their royalty as not to be revocable by their successors. It is nevertheless allowable for kings to grant baronies and other demesnes and franchises, sometimes in alms, at other times in order that they may have the counsel of the prelates and other wise men of the realm . . . and at other times that they may retain the love of their people.'

[34] *Cod. Diplom.* No. 260, ii. 28; Earle, p. 119; *Brit. Mus. Facsimiles*, ii. 30; *Cart. Sax.* 457.

There is a spurious or questionable charter of Offa which has been brought into the debate.[35] The king is made to say that he gives certain lands which Christ has bestowed upon him to a certain bishop, together with the woods, meadows, and waters, *sicut olim habuerunt comites et principes Cantiae*. To all appearances these lands were at one time held by certain particular Kentish thegns or ealdormen. By some title or another they have come to the king's hand, perhaps by escheat. He now gives them away, and his donee is to enjoy them with all those advantages and appurtenances which were annexed to them when they were in the hands of the aforesaid thegns or ealdormen. That is all. There is nothing about the nation's land.

Lastly there is a charter by which King Æthelred grants to a thegn the manses at Dumbleton, and it tells us that *praedictum rus in communi terra situm est*.[36] This phrase has been seized as an indication of the *ager publicus*. The king grants part of 'the common land'—this must mean the folkland, the land that belongs to the nation. This inference I cannot accept. The term *communis terra* is one which may have many meanings. For one thing it occurs in a context which may explain it: 'And let the aforesaid estate, which is situated in the common land, be free from every earthly burden' except the usual three.[37] May it not be that the king is conferring an immunity on part of a tract which hitherto has been subject to those burdens which fall on common, that is, unprivileged land? Or again, may it not be that the two manses which the king is giving lie scattered about in the 'common fields' of Dumbleton, and that here, as in some other cases, we have something like an apology for the omission of any account of the complicated boundaries of 'intermixed land'? These and several other explanations are possible. One thing is very certain, for we are told it expressly, namely, that a previous owner or possessor of this land forfeited it by a crime and forfeited it to the king. It will at any rate be allowed that a theory of national land cannot be built upon such a document as this. Common sense and sound method require that we should only deal with these obscure cases when we have settled the meaning that 'folkland has in the few passages which expressly mention it.'[38]

It will be fully understood that in this paper I am not attempting any general exposition of Anglo-Saxon land law. In parti-

[35] *Cod. Diplom.* No. 111, i. 135; Earle, p. 334. [36] *Cod. Diplom.* No. 692, iii. 290.

[37] 'Sit autem praedictum rus, quod in communi terra situm est, liberum ab omni mundiali obstaculo, &c.'

[38] It does not seem to me necessary to notice the few instances in the Anglo-Saxon literature, *e.g. Codex Exoniensis*, ed. Thorpe, p. 444, in which 'folkland' stands for 'country,' 'patria,' so that a 'far folkland' is a far-off country. They seem to me to throw no light on the legal problem.

cular I may say that I purposely leave on one side the question a the taxes and other burdens to which folkland and bookland w respectively subject. Nor am I constructing a complete theor the royal demesne, or endeavouring to decide in what manner lands annexed to the kingship were distinguished from the la which would pass under the king's will or descend to all his sons have merely tried to give my reasons for thinking that the rece opinion as to the meaning of 'folkland' is wrong, and I will leave to state those reasons once more in a summary way.

1. The law of Edward the Elder brings all disputes about ownership of land under two heads: they are contests about land or contests about bookland. Of that class of rights w historians have indicated by such terms as 'ethel' and 'fa land' not a word is said.

2. We cannot believe that already at the beginning of the t century this family land had vanished, or that the distin between it and bookland had been obliterated. The claims o kindred are constantly asserted in later days. Again it is in highest degree improbable that every, or nearly every, pie family land had by this time been made the subject of a book, yet until land had been booked it was not bookland.

3. Ealdorman Alfred's will shows that in a particular c man's folkland would not descend to a particular son of his, possibly an illegitimate son, unless the king, or king and decided that it should do so. It certainly does not prove, or to prove, the general proposition, that if a man held folkland, folkland would not, on his death, pass to his heirs unless the or king and witan, decided that it should do so.

4. The exchange between Æthelbirht and Wullaf show king giving away land which he describes as his own and taki exchange land which he converts into folkland. It is at lea natural to suppose that what the king acquires he makes p his family estate as that he makes a present of it to the natio

5. Beda's letter to Egbert says no word of folkland. It of evils that were quite general all over Europe. Beda cer holds that the royal demesne should be put to worthy uses f good of the state and of the church; but of any *ager publicu* tinct from the king's land he says nothing.

6. Since Allen's day many scholars have been investigatin whole subject of Anglo-Saxon tenures. The main result of investigations has been to bring into sharp relief the co between the old tenure of family estates under the common the folkright, and the new tenure created by *privilegia*. They retained Allen's dogma,—the folkland must be the *ager pub* but they have not been able to harmonise it with their g scheme, and it throws their systems into confusion. All the

difficulties disappear if we will but reject this dogma and once more say with Spelman, *Folcland—terra popularis, communi iure et sine scripto possessa.*

If we take our stand on this ground we shall do more than clear our minds of a fancy which has been the will-o'-the-wisp of Anglo-Saxon history. The conception of bookland will then become plain for the first time—it will appear as the outcome of *privilegia*, of Roman law and ecclesiastical practice. Bookland will be opposed to folkland, because bookright is the antithesis to folkright. And we need no longer trouble ourselves with the question about the disappearance of the ethel. The ethel, or, as I call it, the folkland, does not altogether disappear; it lives down to the Norman conquest; it survives the Conquest. No one can believe that all the men whom the Domesday surveyors regarded as having held land freely in the days of the Confessor, the *liberi homines* and the *allodiarii* of the 'T. R. E.,' had parchment titles: to be worthy of his bookright was even then the mark of the thegn. These humbler landowners held by folkright without charter: they held folkland.

PAUL VINOGRADOFF.

The Bull Laudabiliter

THE last chapter of John of Salisbury's 'Metalogicus' relates Pope Adrian IV, at John's request, 'granted and gave Irel to King Henry II to hold by hereditary right, as his letters wit unto this day;' and also sent to him, by the hand of John, a ring, adorned with an emerald of great price, as a token of inv ture with the government of that country; which ring was stored up in the royal treasury when this account was writ Gerald of Wales in his 'Expugnatio Hibernica,' written in 1 inserted a letter or 'privilege,' as he calls it, which he says He

had obtained from Pope Adrian through John of Salisbury, who was to Rome for that purpose, and through whom also the same pope sented to the king a gold ring in token of investiture; which ring, tog with the privilege, was forthwith deposited among the archives at chester.[2]

The majority of historians have assumed that these two ments are two genuine and independent accounts of one real t action, and that the letter given by Gerald, and commonly k as the 'Bull Laudabiliter,' was actually sent by Adrian to I through John of Salisbury, in the year 1155. In the sevent century, however, two Irish scholars, Stephen White and Lynch, denounced the letter as a forgery, and its history i 'Expugnatio' and the 'Metalogicus' as a falsehood.[3] Whi 'Vitus') was a Jesuit of whom nothing is known but that he his 'Apologia pro Hibernia adversus Cambri calumnias' abo year 1615. This work, first printed in 1849 by the Rev. Prc Kelly of Maynooth, contains the germs of the principal argu which have since been brought against the letter attribu Adrian. Lynch (or 'Gratianus Lucius'), who in his 'Camb Eversus' followed up White's attacks both on the 'Welshmai on the letter in much fuller detail and with far greater force, man of high character, great learning, and ardent patriotis

[1] *Metalogicus*, iv. 42 (Jo. Sarisb. *Opera*, ed. Giles, v. 205-6).

[2] Gir. Cambr. *Opera*, ed. Dimock, v. 316.

[3] White, *Apologia*, ed. Kelly, pp. 184-206; Lynch, *Cambrensis Eversus*, e ii. 410-466.

contribution to the literature of the subject was made by F
W. B. Morris, of the London Oratory, in his work on 'Ir
and S. Patrick.'[9] Eighty-three pages of this book are occ
with a discussion concerning the authenticity of the so-
'Bull Laudabiliter;' the rev. father repeats in a new shap
arguments brought against it by earlier critics, and adds to
fresh ones of his own. Through the twenty years that have
since Cardinal Moran's 'first indictment' was published, onl
voices—one Irish and one German—have been raised in d
of the letter.[10] Dr. von Pflugk-Harttung's brief article upo
Brieger's *Zeitschrift für Kirchengeschichte* (January 1892
scarcely settle the question.

Decken sich unsere früheren und jetzigen Ausführungen de
nicht ganz mit deren Bellesheims, so werden sie zusammengen
gewiss genügen die Hauptsache, die Fälschung des Hadrian-Brev
zuthun,

are his closing words; but they follow somewhat inconsequer
pages devoted to pointing out the inconclusiveness of the arg
hitherto adduced as proofs of forgery.[11] For English read
last word, thus far, rests with Father Morris. There seems
still room for an English student to attempt a review of th
case as it stands at the present moment.

No original copy of 'Laudabiliter' exists, or is known
have existed, among the papal archives. Cardinal Baronius
printed it, as he said, *ex codice Vaticano*, but the *codex* in q
proves to have been merely a transcript of the chronicle of M
Paris.[12] This in itself is no proof that the letter was not
by Adrian. On the one hand, many papal letters whose auth
has never been called in question are absent from the
archives and known only through transcripts found in othe
or embodied in the works of medieval historians. On th
the Roman archives contain no documents relating to
earlier than the year 1215, and no record that they ever
earlier than 1201:[13] so that if absence implies non-existenc
case of the letter ascribed to Adrian IV, it must also imply
existence of any epistolary dealings whatever between Irel
the Holy See before the time of Innocent III,[14] a propositio
the assailants of 'Laudabiliter' are by no means prepared t

[9] *Ireland and S. Patrick.* (London and New York: Burns & Oates. M. H. Gill & Son.)

[10] Rev. Sylvester Malone, *Dublin Review*, 3rd ser. xi. 316–343; Rev. F Pfülf, in the *Stimmen aus Maria Laach*, xxxvii. 382–396, 497–512. I gre that I have been unable to see Father Pfülf's articles, and can only copy th to them given by Dr. von Pflugk-Harttung.

[11] Pflugk-Harttung, in Brieger's *Zeitschrift*, xiii. 107–114. [12] Mora

[13] Theiner, *Vetera Monumenta Hibernorum Historiae*, p. 1.

[14] Stokes, *Ireland and the Anglo-Norman Church*, p. 46.

Setting aside, however, for the moment any internal evidence which it may contain, the letter actually rests upon the testimony of Gerald of Wales and the writer of the last chapter of 'Metalogicus.' That Gerald himself wrote the words with which the document is introduced in his 'Expugnatio Hibernica,' no one doubts. Moreover, it is from him that we have received the earliest text of the document itself. It will be well therefore to deal with him first.

When Dr. Lynch undertook to 'upset the Welshman,' his purpose was to confute, by evidence drawn from authentic Irish sources, a certain set of statements, relating to one particular subject, in two particular books, and to show the untrustworthiness of those two books as a whole. To enter upon any wider considerations of the writer's general literary character and circumstances was alike unnecessary and impracticable at the time. When however critics of our own day seek to discredit a passage in one of Gerald's voluminous works, on the ground of Gerald's general untrustworthiness and dishonesty, we are entitled to demand that their acquaintance with the writer thus assailed shall extend somewhat beyond the limits of the treatise in which the disputed passage occurs. Gerald's modern critics are well aware of the existence of a goodly array of volumes, published in the easily accessible Rolls Series, containing his works edited by two scholars of whose learning and judgment they all speak with respect. It is however certainly not from Mr. Brewer and Mr. Dimock that Father Gasquet has learned what he tells us about Gerald.

> Giraldus [says the rev. father] was twenty years of age when, in 1150, he went to study in Paris. Twenty-five years later (1175) the archbishop of Canterbury sent him into Wales and named him archdeacon of Brecknock; and it was not till 1184 that Henry II took any notice of him. He was named chaplain of the court, but for some reason or other got no preferment. . . . In 1198 he got himself named to the see of S. David's. . . . The scheme . . . fell through. . . . He devoted the rest of his life to writing the 'Expugnatio Hibernica,' publishing three editions of it—the first in or about the year 1188, and the last, dedicated to King John, in 1209. It is to some date between these two that the publication of the 'bull' of Adrian IV is to be referred. Another copy is also found inserted in his autobiography ('De Rebus a se gestis'), which was written in 1295.[15]

Students who have read Gerald's life and works under the guidance of his editors in the Rolls Series are under the impression that in 1150 he was about three, or at the utmost five years old; that his appointment to the archdeaconry of Brecknock in 1175 was not simultaneous with his mission from the archbishop into Wales, but was one of the results of the zeal with which he had fulfilled his duties as the archbishop's delegate in the diocese of St. David's during the past two or three years; that he 'got himself named to

[15] Gasquet, pp. 90–91.

the see of S. David's ' for the first time as early as 1176, and
Henry II then ' took notice of him ' very decidedly by rejecting
nomination ; and that his long lack of preferment was ca
partly by Henry's reluctance to place in any important eccle
tical office a priest whose designs upon the primacy of Wales
thus well known to him, and partly by Gerald's own indifferen
any advancement which could not lead to that sole object o
desires. How Gerald could possibly have ' devoted the rest o
life,' after the failure of his second candidature for St. David
1198, ' to writing the " Expugnatio Hibernica," ' is difficult to u
stand, as Father Gasquet himself adds that it was first publish
or about 1188. The date given to the autobiography, whic
Father Gasquet's computation would imply that Gerald wrot
work at the age of one hundred and sixty-five years, is doubtl
printer's error. It was reserved for Father Morris to make
further chronological discovery that the ' Expugnatio ' was w
' in 1189, in the reign of King John.' [16]

The writer in the *Analecta* gives a sketch of Gerald's c
which is more in harmony with ascertained facts. He and hi
followers, however, clearly know little or nothing of Gerald e
what they have gathered from the fifth volume of the collected e
of his works, containing his two treatises on Ireland, with a p
by Mr. Dimock ; and even this volume they do not appear to
studied very carefully. Father Morris's hasty dismissal of G
as ' the venal court historian of Henry II,' [17] must provoke a
on the lips of readers familiar with the ' De Instructione
cipum,' or even with the picture of Henry in the ' Expu
Hibernica ' itself. It springs, no doubt, from a too sweeping
cation of a phrase which the *Analecta* and Father Gasquet
with evident delight from Mr. Dimock : ' He (Gerald) says h
piled the work for the purpose of sounding the praises of
II.' [18] The ' work ' here referred to is not the treatise ' De E
natione Hibernica,' which contains the letter, and which wa
published in 1188 under the patronage of Count Richard of P
it is the ' Topographia Hibernica,' published a year earlie
dedicated to Henry himself. Of this all three critics are a
for they all quote Gerald's own account of the matter, which
plain as words can make it.[19] But they all evidently regard
convicting Gerald, out of his own mouth, of having compos
only the ' Topographia,' but also the ' Expugnatio,' and it
almost seem all his other works as well, for the sole purp
flattering King Henry ; an inference which is justified neit

[16] Morris, p. 131.
[17] *Ibid.* p. 98.
[18] Dimock, pref. to Gir. Cambr. *Opp.* v. p. lxx ; *Analecta*, pp. 312, 383 ; G
p. 92.
[19] *Anal.* pp. 312, 383 ; Gasquet, p. 91 ; Morris, p. 94 note.

Gerald's own words nor by those of Mr. Dimock, which ignores the distinction between the two separate treatises on Ireland, and which shows a complete forgetfulness of Gerald's general attitude towards the Angevin house, and especially towards the first Angevin king. At no period of his life is it likely that Gerald would have had any personal interest in putting in circulation, for King Henry's benefit, a document which he knew or suspected to be forged; least of all would he have cared to do it for the sake of bolstering up Henry's claims upon Ireland. 'Men when they thus argue,' it has been truly said, 'forget the standpoint from which Giraldus must have viewed Ireland.'[20] That standpoint is plainly shown in the 'Expugnatio.' No careful and dispassionate reader of Gerald's writings can fail to see that in all of them his primary object was to glorify himself; and that if in his first treatise on Ireland his secondary purpose was, as he says, to glorify King Henry, in his later treatise it was to glorify his own kinsfolk. In his eyes, as in theirs, Ireland was 'a very desirable possession indeed for the Geraldine clique, one too from which they would gladly have excluded the Anglo-Norman King.'[21]

The critic in the *Analecta* and Father Gasquet further endeavour to discredit Gerald's testimony respecting the letter, by asserting that he has given two contradictory accounts of its origin, one of which is absolutely impossible. They quote from Mr. Dimock:—

> In the fifth chapter of the second book the early manuscripts give, under the years 1174 or 1175, a privilege long before obtained from Pope Adrian IV, authorising Henry II's invasion of Ireland, and a confirmatory one of the then pope, Alexander III; with some prefatory matter, principally relating to the persons employed in bringing these privileges for publication into Ireland at this time, and to the agency of John of Salisbury in having procured the first from Pope Adrian in 1155. All this in the early manuscripts is clear and consistent. But the later manuscripts omit Alexander's privilege and all mention of him, and give Adrian's privilege only. The prefatory matter had to be altered accordingly. In doing this they marvellously contrive to make Henry in 1172 apply for and procure this privilege from Pope Adrian, who died in 1159; and with equally marvellous confusion they represent John of Salisbury, who had been Henry's agent in procuring this privilege in 1155, as sent, not to Ireland, but to Rome, for the purpose of publishing it at Waterford in 1174 or 1175. That this could have been done by Giraldus himself, careless as he often is about such things as dates, is simply impossible.[22]

In a footnote Mr. Dimock adds:—

> But the cause of this suppression of Alexander's bull, and the germ of the blundering in the prefatory matter, were both perhaps supplied by Giraldus in his copy of this chapter in the 'De Instructione Principum' (p. 51 &c.). He there states, in introducing Alexander's privilege, that

[20] Stokes, *Ireland and Anglo-Norm. Church*, p. 47. [21] *Ibid.*

[22] Gir. Cambr. *Opp.* vol. v. pref. xlii.–xliii.; *Anal.* pp. 382–3, and Gasquet, pp. 91–2, both omitting the last sentence.

some asserted it to be a forgery; and hence, perhaps, its suppress afterwards in the 'Expugnatio' by some rectifier of his history of Hen papal rights over Ireland. And in the prefatory matter, by what is evide a mere accidental mistake, he puts Adrian, instead of Alexander, as gr ing the privilege in 1172.[23]

In his note on the passage in the 'Expugnatio' Mr. Dim again mentions the incorrect reading of the later manuscript *ab Adriano Papa de Anglia oriundo*—and observes: 'This la reading must have been a mere blunder in the "De Instructi Principum;" it perhaps affords a clue to the mutilation of chapter in the later manuscripts of the "Expugnatio."'[24] N the treatise 'De Instructione Principum' exists only in a si manuscript; the only printed edition of it, until 1891, was prepared by Mr. Brewer for the Anglia Christiana Society in 18 and there, in page 51, stands the sentence which gave rise to Dimock's criticism just quoted:—

Interea quanquam martiis plurimum intentus et detentus exerc Anglorum rex suae tamen inter agendum Hiberniae non immemor, praenotatis spurcitiarum literis in synodo Cassiliensi per industriam c sitis; directis ad curiam Romanam nuntiis, *ab Adriano Papa de A oriundo*, tunc praesidente, privilegium impetravit.

It is easy to see that the italicised words were, as Mr. Dir says, a mere accidental mistake, a slip of the pen, whether Ger or his transcriber's; for the rest of the story, about the missi Prior Nicolas of Wallingford and William Fitz Aldhelm to the s of Waterford, where

eiusdem privilegii cum universitatis assensu solemnis recitatio fact necnon et alterius privilegii per eosdem transmissi, quod idem re Adriano Papa Alexandri praedecessore ante perquisierat, per Ioa Sarisburiensem, post modum Episcopum Carnotensem, Romam a destinatum,

follows exactly as in the correct text of the 'Expugnatio.' It blame to Stephen White that he was, as his editor says, 'led a by the Frankfort edition of Giraldus Cambrensis,'[25] in which 'Expugnatio' was printed from the corrupt text of one of the manuscripts. But the writer in the 'Analecta,' with the gen text and Mr. Dimock's commentary before him, was not justifi saying—

Giraldus rapporte que la bulle d'Adrien fut envoyée en Irlan portée par Guillaume Fitz Aldhelm et Nicolas, prieur de Wallingfor qu'il en fut donné publiquement lecture, dans un concile d'évêques à Waterford, par Jean de Salisbury, qui fut envoyé à Rome pour cel

[23] Gir. Cambr. *Opp.* vol. v. pref. xliii, note 2; *Anal.* p. 383. Father Gasquet again omits the last sentence.

[24] Gir. Cambr. *Opp.* v. 315, note 2.

[25] Pref. to White's *Apologia*, p. v; cf. pp. 185-193.

On pourrait croire, d'après cela, que Jean de Salisbury, arrivant de Rome en ce moment, publia dans le concile de 1175 la bulle qu'il venait d'obtenir du pape Adrien IV, lequel était mort quinze ans auparavant.[26]

Gerald, according to Mr. Dimock and Mr. Brewer, neither said nor implied any such thing; he simply, as they thought, made a verbal blunder in transcribing, which misled some of his fourteenth-century copyists into saying it.[27] But on this dark passage a new light has been thrown, not only since the appearance of the criticisms in the *Analecta* and the *Dublin Review*, but even since the appearance of Father Morris's book. The Rolls edition of Gerald's works is now completed by the republication of the 'De Instructione Principum,' under the editorship of Mr. G. F. Warner, who has made a fresh transcript from the unique text among the Cottonian MSS. in the British Museum. In this new edition, in place of the words italicised in the quotation given above from Mr. Brewer, we read, *Ab Alexandro tertio*. Mr. Warner adds in a note: 'So manuscript, agreeing with "Exp. Hib." Some late manuscripts of the latter work read: *Adriano Papa de Anglia oriundo*; and this erroneous reading was adopted, without remark, by Mr. Brewer in his edition of the "De Instr. Princ." The effect may be seen in Mr. Dimock's note on the passage.'[28]

The first witness in favour of the letter, then, is not to be put out of court quite so summarily as the counsel for the prosecution would desire. The next witness is the writer of the last chapter of the 'Metalogicus.' This chapter purports to be, like the rest of the book to which it is attached, the work of John of Salisbury, and those who deny that Adrian ever expressed any approval of Henry's designs upon Ireland are thus committed to one of two assertions; that John of Salisbury wrote and published a deliberate, elaborate lie, or that the chapter in question was added to his work by some forger abusing his name. It is a grave matter to bring a charge of wilful dishonesty against any man, living or dead. There are some who hold it quite as grave a matter to bring such a charge against a dead man as against a living one, because the dead man cannot defend his own character, which may thus be left under an undeserved stigma so long as history shall last. All who know anything of England in the twelfth century, however, will agree that to bring such a charge against John of Salisbury is a much graver matter than to bring it against Gerald of Wales. Only two of the controversialists who have written against 'Laudabiliter' seem to have been sufficiently acquainted with John's life and character to feel in its full force the improbability—amounting indeed almost to a moral impossibility—of such an act on his part. Dr. Lynch, having made up his mind that the passage in

[26] *Anal.* p. 287. [27] Cardinal Moran (p. 57) understands this perfectly.
[28] Gir. Cambr. *Opp.* viii. 195, note 4.

'Metalogicus,' iv. 42, was a tissue of lies, could not bring him self to charge those lies upon John. He therefore declared: *Eruditi profecto rem penitus dispicientes fragmentum hoc laciniam esse censent Sareshiriensis operi ab aliquo insulse assutam.*[29] Cardinal Moran evidently looked at the matter in the same light.[30] Later writers are less scrupulous in casting suspicion on a character with which they are less well acquainted; they do not hesitate to assert that 'it has been sometimes supposed' (by whom, save themselves, we are not told) 'that Salisbury wrote the chapter containing the important declaration of Pope Adrian's grant to him in order to favour the designs of Henry on Ireland; and that the price of this deceit was the bishopric of Chartres bestowed upon him by the king. There is very little doubt that the character of John of Salisbury is not altogether such as to place him beyond suspicion.'[31] Both these writers, however, and Father Morris (who does more justice to John),[32] instinctively prefer to embrace the second horn of the dilemma, and denounce the last chapter of 'Metalogicus' as a forgery. The grounds of this denunciation are—

1. Its lack of connexion with the rest of the book:[33]

2. The 'unlikely' nature of its statements respecting John's relations with the pope and the king:[34]

3. Its 'difference in style' from John's undoubted works:[35]

4. The seeming discrepancy between its account of the terms of Adrian's grant, and those of the letter itself:[36]

5. The incompatibility of its open mention of the letter at a time when this chapter professes to have been written (1159) with the fact that the letter was never put forth in public till 1166 at the earliest.[37]

On the first three points no one can be competent to form judgment who is not thoroughly conversant with John's life and works. Cardinal Moran does not take upon himself to judge at all; he puts the whole matter briefly and tentatively, rather as a suggestion than as a fully developed argument. Father Gasquet gives an account of John which runs thus:—

> The biography of John of Salisbury makes it exceedingly improbable that he was ever entrusted with such a mission to Rome. Educated chiefly in England, which he left in 1137, John of Salisbury did not return to his native country till 1149, and then only for a very short time, as he seems to be proved to have returned almost immediately to the continent, where he became occupied in teaching at Paris. It is hard to believe

[29] *Cambr. Ev.* ii. 446.
[30] Moran, pp. 54–5
[31] *Anal.* p. 291; Gasquet, pp. 88–9.
[32] Morris, p. 134.
[33] Moran, p. 54; *Anal.* pp. 292–3; Gasquet, p. 89.
[34] *Anal.* pp. 293, 295; Gasquet, p. 89.
[35] *Anal.* p. 293; Gasquet, p. 89; Morris, p. 137.
[36] Moran, p. 55; *Anal.* p. 296; Morris, pp. 135–6.
[37] Moran and *Anal.* ll. cc.; Gasquet, pp. 89–90.

and Adrian; the few exceptions are easily recognised. Moreover there are letters from Theobald to others besides the pope—t Thomas the chancellor, to Henry the king—and also letters fro John himself, amply sufficient to prove that John's relations n only with Theobald, but with Henry, were such as to make hi independent of any introduction from Thomas to the king, lon before 1159. The exact sequence of events in one period of John life—that of his residence on the continent as a student and teacher—has long been a puzzle to historians; and the criticism in the *Analecta* and the *Dublin Review* appeared before the story John's career had been at once thoroughly sifted, and made acce sible to English readers, by Mr. R. L. Poole in his 'Illustrations the History of Medieval Thought,' and in the yet more rece biography to which reference has already been made. But t works of Reuter, Schaarschmidt, and Demimuid were all in ex tence; and moreover, without their help, and setting the disput chapter of 'Metalogicus' altogether aside, every statement whi has just been made concerning John can be proved from his o acknowledged writings.

Critics who thus display their ignorance of those writin cannot be competent either to pass judgment on their autho character, or to decide whether or not a certain passage, fou in all the manuscripts of 'Metalogicus,' is in keeping with t general subject of his work and with his mode of treatmer whether or not the details given in it respecting his relatic with the pope are possible or probable; and whether or not t chapter, 'so strange in itself' as it seems to them, is really ' different in style to the other writings of John of Salisbury . . . t it is highly probable it was not his work at all.'[43] Profes Jungmann declines to pronounce a decided opinion on this poi Dr. Pflugk-Harttung declines to entertain the theory of forgery w regard to the passage, unless interpolations can also be shown other parts of the book.[44] None of John's biographers have seer it anything strange, or suspicious, or unlike John. The one who l been quoted already, writing with a wider knowledge and a ful appreciation of the historical and literary aspects of the subj than his predecessors, mentions the doubts which have been rai concerning the authenticity of the passage only to put them quie aside without discussion.[45] Nay, the very suddenness of the tra tion in this chapter from abstract philosophy to actual life, pathetic lament over the troubles of church and state, its ten personal reminiscences of the pope whose death has just fallen l a thunderbolt upon his old friend and upon the church which ju hoped so much from him, and its sad forebodings of anot

[43] Gasquet, p. 89. [44] Jungmann, pp. 221-2; Pflugk-Harttung, p. 113.
[45] *Dict. Nat. Biog.* xxix. 441.

So, too, Father Morris :—

We observe that the writer does not pretend that Henry himself ask for Ireland, but merely that the pope sent a nation as a present to t king, as if it were a mere compliment to the messenger: 'at entreaties' (*ad preces meas*).[51]

The last statement quoted from the *Analecta* is not stric accurate; there is not a word in 'Laudabiliter' about any *let* from the king, and it is quite possible that his request may h been, as the most delicate and important negotiations often we not committed to writing at all, but conveyed solely by word mouth. That the pope's blessing on his enterprise had been, some way or other, sought by Henry himself is distinctly stated 'Laudabiliter.' But are there no such things as intercess prayers? When a favour is said to have been granted to person at the prayer of another, is it necessarily implied that prayer was spontaneous and unasked, and not rather made at express desire, very probably even in the name, of the person v is to reap its benefit? And further, in such a case, may not favour be described with equal truth as granted 'at the pray either of the intercessor, or of the original petitioner and ultim recipient? It is plain that to the critics who stumble at this phr *ad preces meas*, the real difficulty lies in its incompatibility, with the wording of the letter, but with their own fixed idea t Henry could not possibly have employed, nor Adrian listened the intercession of such an insignificant being as John of Salisbu As they refer elsewhere to 'Polycraticus,' l. vi. c. 24,[52] they m be aware that in 1155 John was not altogether unknown to the pc Nevertheless, they believe that John was in those days merely obscure clerk, who, if sent to Rome by the king at all, could c have been attached 'in the capacity of a simple clerical retaine to an embassy of bishops which undoubtedly did go thither fr England in that same year on wholly different business. To one who realises John's true position, the matter presents no d culty at all. To such a one it appears the most natural thin the world that when Henry desired to obtain Adrian's sanction a project of great importance and special interest to both, he sho not have made the affair an item in the budget of miscellane business entrusted to his episcopal ambassadors, but should h chosen for his mouthpiece on this subject a special envoy who at once the intimate friend of his own chief counsellor Thomas, confidential assistant of the English primate, and the dearest fri of the pope himself; that to the verbal pleading of this en rather than to any written words of his own, he should h

[51] Morris, p. 135.

[52] *Anal.* p. 295; Gasquet, p. 89; Morris, p. 132.

[53] Gasquet, p. 87.

date; it ends with the words 'Given at Rome, &c.,' and this te
nation is copied by Father Gasquet.[58] The cardinal says: 'M
than one ancient manuscript preserves the concluding formul
the bull: "Datum Romae," *dated at Rome*. Now, this simple
mula would suffice of itself to prove the whole bull to l
forgery,'[59] the pope having most certainly not been in Rome at
time when the letter is supposed to have been written.
eminence's conclusion is somewhat too sweeping; if any fals
unauthorised addition to any piece of writing suffices to p
the whole composition a forgery, then—to take only the exa
which naturally suggests itself first—those who hold the
chapter of 'Metalogicus' to be false must pass a like sent
of condemnation on the entire work. The words *datum R*
attached to 'Laudabiliter' in some manuscripts—not the most an
ones—are a mere copyist's addition; the writer in the 'Analec
and Father Morris are correct in their assertion that the ea
text, that of Gerald, has no date of any kind. To say that
addressed to no one,' that it has no 'beginning,' no 'head,' is,
ever, somewhat of an exaggeration. *Adrianus episcopus, s
servorum Dei, carissimo in Christo filio illustri Anglorum Regi sa
et apostolicam benedictionem*, is an address, a beginning, a 'h
corresponding with the ordinary papal formula in every point
one: the name of the person addressed is omitted. This om
is evidently regarded with suspicion by the writer in the 'Anal
and by Father Gasquet,[61] while Father Morris thinks it 'was s
natural slip in the case of one who was corresponding with
self, and is a remarkable specimen of intrinsic evidence of th
gery.'[62] To another mind it seems to be, on the contrary, ju
very omission which a man forging a document in his own pe
interest would be most careful not to make, while its occurre
a genuine letter presents no difficulty at all. Nor does the al
of a date.[63] Among the letters in the 'Patrologia' and
collections of medieval literature there are many without an
of either place or time—many in which the name or initial
addressee, or of the writer, or of both, has either dropped
never been inserted—many which really have 'neither begi
nor end, neither head nor tail,' yet whose genuineness no one
of doubting. The usual explanation of such cases is th
original letter has been lost, and a copy has been preserved b
chronicler who, inserting the document in its historical place
text, has transcribed only the substantial part, and cut
omitted the merely formal words which were rendered needl

[58] Moran, p. 51; Gasquet, p. 87. [59] Moran, p. 63. [60] *Anal.* p. 2
[61] *Ibid.* pp. 298–9; Gasquet, p. 101. [62] Morris, p. 136.
[63] The unimportance of the omission of name and date is admitted by Pflugk-Harttung, p. 113.

which Adrian refuses to countenance the proposed expeditio therefore in flat contradiction with his alleged letter to Henry; that the genuine refusal was actually 'made to serve as the b for the forged consent.[69] Between the introductory sentenc the two letters there is certainly a close verbal similarity; b may be doubted whether this arises from anything more myste than a scribe's use of a sort of common form which—with slight but significant variations, treated by these writers with consideration than they deserve—was equally appropriate to occasions. The substantial part of the argument has been answ by Father Malone.[70] Father Morris thus gives his verdict o result: 'The writer in the *Analecta* has rather weakened argument by laying too much stress on one favourite theory, exposing his flank, which has been assailed more furiously successfully by the Rev. Sylvester Malone.'[71] Professor Jungm however, says: *Re considerata tamen probabilius nobis videt epistola ad Ludovicum VII data agi de Hispania;*[72] and Fa Morris himself afterwards tacitly admits the success of Fa Malone's assault on the 'Hibernia' theory, by describing Ad letter to Louis as concerned with a projected 'crusade against infidels and apostates of Spain.'[73] Nevertheless, he maintains Adrian's refusal to sanction this project is incompatible wit approval of Henry's designs upon Ireland.[74] This argument chiefly upon the interpretation of the letter to Henry, a mat be considered hereafter. There is, however, one point conn with what may be called the 'Crusade-in-H' part of the su which Father Malone has not taken up, and which may be noticing here. Father Gasquet, advocating the reading 'Hib in Adrian's letter to Louis, observes that 'on the theory th this purpose' (*i.e.* for obtaining the papal sanction to an in of Ireland)

> Henry wanted to make a tool of Louis, we can explain a fact th appeared to puzzle annalists—namely, why it was that these two who had been for a long time avowed enemies, suddenly . . . becam friends just at this very period.[75]

To some readers the new theory involves a far greater pu namely, why Louis should have passively allowed Henry to m tool of him for a purpose which could bring him no p advantage. On the other hand, there is in the writings 'annalists' on whom students of the history of Louis and are wont to rely, nothing to suggest that they were 'puzzl the alliance of the two kings in 1158. It is only by turning

[69] *Anal.* pp. 260–1, 299; Gasquet, pp. 97, 99, 102.
[70] *Dublin Review*, 3rd ser. xi. 328–339 (April 1884). [71] Morris, p. 68 n
[72] Jungmann, p. 226.
[73] Morris, p. 127. [74] *Ibid.* pp. 126–8. [75] Gasquet, p

alecta that we discover how Father Gasquet has been misled. are there told: *Robert du Mont . . . exprimait sa profonde prise de voir les deux rois se donner de si grands témoignages mitié.* A passage follows, purporting to be translated from bert :—

> Au mois de septembre, Henri alla à Paris. . . . Le roi de France se ta à sa rencontre, et lui rendit de grands honneurs dans le palais royal, Le lendemain, le roi de France l'accompagna, avec sa fille, jusqu'à ntes. Quelle merveille, vraiment inouïe, de voir les rois d'Angleterre le France unis par une si grande affection ! [76]

e Latin text which this passage is meant to represent is not y easy to identify. In the first place, it is not from Robert of rigny at all, but from the 'Continuatio Beccensis,' grafted on his ronicle by a monk of Bec during the years 1157–1160. The nslator might have discovered this, for he refers to 'Migne 160, 484,' where the passage appears only in a foot-note, as being an lition, 'teste Bouquet,' in a manuscript distinct from that used for e printed text.[77] In the next place, the original Latin is as follows :

> Mense Septembri Henricus rex Anglorum perrexit Parisius. . . . Cui m rex Francorum Ludovicus cum magno honore et comitatu veniret in viam, in aula Parisiensi regia . . . cum magno omnium tripudio eum scepit. Qui cum die illa sero admirabili omnibus dilectione et dilec- nis alternatione simul comedissent, rex Francorum in crastino eum cum ia sua usque Meduntam conduxit.[78]

o recognise these words in the French version quoted above, somewhat difficult; not more difficult, indeed, than to recognise he *annulum aureum, smaragdo optimo decoratum*, of the 'Metalogicus,' n *un anneau d'or, entouré d'un rubis de grande valeur*; [79] not more difficult than to recognise a critic of medieval literature in a writer who can thus misrepresent the simplest facts and mis- translate the plainest Latin, or a critic of Irish medieval history in one who can ask: *Richard* [Strongbow] *avait-il le droit de céder au roi Dublin, Waterford et les autres domaines qui appartenaient à sa femme, fille et héritière du petit roi de Dublin ?* [80]

The criticisms upon 'Laudabiliter' which have been considered thus far are mere questions of words. Beneath and beyond them there lies a question of far weightier import: What do the words really mean? What is the significance which the terms of the letter would

[76] *Anal.* pp. 262–3.

[77] Mr. Howlett's edition of Robert of Torigny and of the *Continuatio Beccensis* came too late for the writer in the *Analecta* to profit by its guidance. When his article appeared, however, M. Delisle's excellent edition of both chronicles had been available for ten years.

[78] Migne, clx. 484, *variae lectiones* at foot; Howlett, *Chron. of Stephen and Henry V*, iv. 319.

[79] *Anal.* p. 293. [80] *Ibid.* p. 277.

convey to the minds of men in the twelfth century? No better answe can be desired than that given by Cardinal Moran. He observe that the letter really

> prescinds from all title of conquest, whilst at the same time it makes n gift or transfer of dominion to Henry II. As far as this letter of Adria is concerned, the visit of Henry to our island might be the enterprise of friendly monarch, who at the invitation of a distracted state would see by his presence to restore peace, and to uphold the observance of the law Thus, those foolish theories must at once be set aside, which rest on th groundless supposition that Pope Adrian authorised the invasion an plunder of our people by the Anglo-Norman adventurers.[81]

The pope's sanction of an enterprise such as, according to th interpretation, was alone contemplated in the letter, could be blame worthy only in two cases: (1) if the enterprise appeared uncalle for; (2) if the person who proposed to undertake it were notor ously, or even presumably, unfit for such a mission. First, ther what grounds had Pope Adrian in 1155 for assuming that Irelan needed the intervention of a foreign power 'to establish the observ ance of law among its people and to eradicate the weeds of vice and that 'for the purpose of enlarging the limits of the churc setting bounds to the torrent of vice, reforming evil manners, plan ing the seeds of virtue, and increasing Christian faith,' it wa desirable that the English king 'should enter that island and carr into effect those things which belong to the service of God, an to the salvation of that people; and that the people of that lan should honourably receive and reverence' him 'as lord'? [82]

It is needful here at the outset to insist upon the fact that ou inquiry has nothing to do with the *real* condition of Ireland in th time of Adrian IV. All that it has to do with is Adrian's idea c that condition. Our contention is simply that, granting the Irelan of the twelfth century to have been all that it is represented by th *Analecta*, and Father Gasquet and Father Morris, as well as b Dr. Lynch and Cardinal Moran, the Roman court was not i possession of the evidence which can now be brought forward o the subject from the native records of the land; and that Adrian' line of action, as expressed in the letter, was at variance neithe with reason nor with righteousness, neither with the evidence actuall before him nor with the course adopted by his predecessors toward the Irish church and nation.[83] Cardinal Moran, the writer in th *Analecta*, and Father Gasquet consider that the flourishin spiritual condition of Ireland at this time must have been wel known at Rome, through reports received from the numerou church councils held throughout the country during the previou century, as well as through Adrian's old Irish teacher and friend

[81] Moran, p. 51. [82] *Laudabiliter*, trans. Moran, p. 50.
[83] This is admitted by Bellesheim, pp. 371–2, and Jungmann, pp. 213–8.

of the relations between Rome and Ireland in the twelfth century, as Father Morris tells it, recalls his own description of Adrian's letter; it has 'neither beginning nor end, neither head nor tail.' Nor is this surprising, when we notice that for the whole of this important subject he refers to only one original authority, the life of St. Malachi by St. Bernard. Even for the legation of John Paparo the reference given is to 'Mac Geoghegan, p. 235.'[88] Father Morris charges Dr. Lanigan with 'impatience;'[89] if he himself had not been too impatient to follow Lanigan's guidance and trace in the original sources the story of Ireland's ecclesiastical development during the twelfth century, he might have learned that in the remarkable quickening of intercourse which certainly took place at this time between Ireland and the Holy See, a most important part was played, on the one hand by the English church, and on the other by a personage who seems to be in his eyes little more than the friend and biographer of St. Malachi—the statesman-saint of Clairvaux.

From 1074 to 1152 the bishops of Dublin, from 1096 to 1152 the bishops of Waterford, professed obedience to the archbishop of Canterbury as their metropolitan. Through these Irish suffragans Lanfranc and Anselm came into epistolary communication with the Irish kings; and the correspondence of both prelates shows how they endeavoured to promote improvements in the organisation and discipline of the Irish church. Another Irish bishop, Gilbert of Limerick, was in close relations with St. Anselm during the latter's closing years; and it was Gilbert who, in 1117 or 1118, was appointed the first resident legate for Ireland. Then arose St. Malachi, and by the sheer force of his own saintly character and life restored the see of St. Patrick to its pristine greatness and glory. In 1139 Gilbert resigned his legation, and Innocent II transferred it to Malachi, who had gone to Rome to entreat that the pope would ratify the scheme at which Gilbert had been labouring for the organisation of the Irish dioceses, by granting a pallium to the archbishop of Armagh, and another to the bishop of Cashel. This the pope refused to do, save at the formal petition of the whole Irish church. Such a petition was drawn up at the synod of Inispatrick in 1148, and St. Malachi set out to carry it to Rome, but he died on the way, at Clairvaux. The petition found its way to Rome nevertheless, for it was far more than granted. In 1150 Cardinal John Paparo was sent as *legatus a latere* to Ireland; the civil war in England hindered his journey for more than a year, but at the end of 1151 he reached his destination, and in March 1152 a grant of metropolitical jurisdiction and insignia not only to Armagh and Cashel, but also to Tuam and Dublin, completed the diocesan and provincial organisation of Ireland at the synod of

[88] *Ibid.* pp. 69, 102. [89] *Ibid.* p. 142.

under one supreme head for temporal purposes, and another spiritual purposes. The first thing which the men of the twel century required in a ruler was that he should 'do justice;' which they meant, not what we nowadays mean by the phra but simply to enforce order. As the supremacy of the tempc head of Christendom was practically in abeyance outside own immediate realms, the duty of providing for this enforcem of order in a land which appeared incompetent to make s provision for itself devolved in the last resort upon the pope. choose or accept a foreign sovereign as the instrument for s work was indeed an unusually strong measure; but it was without a precedent which in 1155 was fresh in the minds of men. Less than a hundred years before, Duke William of N mandy had sought from Pope Alexander II a blessing on his j jected conquest of England. Politically, socially, ecclesiastica that country was then at peace under a government acknowledge(the whole people. Its condition was at least as well known Alexander as that of Ireland could be to Adrian. England, h ever, had put herself in the wrong by her acceptance of a schism primate and her choice of a perjured king. Alexander there - -whether rightly or wrongly is nothing to the present purpo held himself justified in sanctioning William's forcible intervent He sent to the duke a ring of great price,[90] and a consecr banner *in omen regni*, as William of Malmesbury says.[91] In parallel case of Adrian and Henry, the place of the banner taken by a letter. In neither case was there any grant of s reignty, any intention of ceremonial investiture. Discuss about the donation of Constantine, and the use or non-use mad it by the popes with regard to grants of temporal sovereignty,[9 therefore really beside the mark. The remark about islands h subject to St. Peter is, as Cardinal Moran says, not a doctr statement; it merely states 'a principle recognised by the in national law of Europe in the middle ages.'[93] If it had not recognised, a forger would have had no motive for putting it either 'Laudabiliter' or 'Metalogicus;' and the precise nature o subjection assumed in it is no more defined in the letter of Ad than in the action of Alexander II. The so-called 'Bull Laudabil is in truth, as the writer in the *Analecta* and Dr. von Pflugk-Hart remark, not a bull at all in the strict technical sense,[94] but Cardinal Moran calls it, 'nothing more than a commenda letter;'[95] a fact which is enough to account for its informal as

[90] *Roman de Rou*, vv.11,452–5.

[91] Will. Malm. (ed. Stubbs), ii. 299; cf. Will. Poitiers (ed. Duchesne), p. 12 Ord. Vit. (*ibid.*) p. 493 C.

[92] White, pp. 205–6; Lynch, ii. 432–6; *Anal.* pp. 300–3.

[93] Moran, p. 52. Professor Jungmann (p. 218) takes the same view.

[94] *Anal.* p. 306; Pflugk-Harttung, pp. 113–4. [95] Moran, p. 5

was simply reasoning from analogy when he assumed that Henry's projected lordship over Ireland, if it ever took practical shape at all, would be such as he too might transmit to his descendants 'to hold by hereditary right.'[97]

Was, however, the character of Henry Fitz-Empress, as known to the pope and to the world at large in 1155, such as to render unjustifiable, or even imprudent, Adrian's acceptance of him as an instrument in a work of reform?

Father Morris states that his 'contribution to the controversy' respecting 'Laudabiliter' 'is an attempt to approach the subject in a somewhat different manner from that usually adopted;' that is to say, by means of 'a brief inquiry into the characters of those concerned in the supposed transaction, followed by an attempt to find out what were the opinions of Irishmen in the twelfth century regarding a matter about which it is impossible to suppose that they could be indifferent;' or, as he expresses it elsewhere, 'by expanding arguments drawn from the history of the period, and examining the characters of the chief actors in this mysterious drama.'[98] This method, as applied to the 'Laudabiliter' controversy, is not altogether new. The first hint of it is to be found in White's 'Apologia;'[99] and the main part of Father Morris's argument against the authenticity of 'Laudabiliter' from the character of Henry and his relations with the Church is anticipated by Dr. Lynch in his argument against the authenticity of the letter whereby Alexander III is said to have confirmed the favour granted by his predecessor to Henry.[100] The two separate questions, as to the genuineness of the two letters, have been somewhat mixed up by other writers;[101] Dr. Lynch very properly kept them distinct, and Father Morris evidently intends to do the same, for he expressly disclaims all concern with the letter ascribed to Alexander, saying: 'Our inquiry comes down no further than Pope Adrian.'[102] Unluckily, however, he does, in fact, confound the two questions by applying to the first arguments which are only appropriate to the second. The general argument from character (if this phrase may be allowed) must obviously be a somewhat inconclusive one, especially when applied to a period so remote from us as the twelfth century. Our knowledge of the characters of persons who lived and died so many hundreds of years ago can only be gathered from the records of their lives. To begin by evolving out of these records some idea of a man's character, and then, when a single fact occurring in the records appears out of harmony with that idea, to say in effect 'So much the worse for the fact,' is not exactly the way in which

[97] This is admitted by Professor Jungmann, pp. 219–20.
[98] Morris, pp. 65, 66, 68.
[99] White, pp. 201–5.
[100] *Cambr. Ev.* ii. 472–82.
[101] *Anal.* p. 307; Gasquet, pp. 94–6
[102] Morris, p. 141.

an historical discussion will be best 'kept on the higher and more philosophic level to which' Father Morris claims to have 'attempted to raise it.'[103] It is at all events plain that such a method of criticism could only be employed with safety by a scholar familiar with every step in the career, every detail of the surroundings, of the men whom he should set himself to judge, and steeped in the spirit of the times wherein they lived and moved and had their being.

Father Morris gives an account of Henry II which begins with these words: 'Henry Plantagenet was another Henry VIII born before his time.'[104] One can but wonder what another critic of 'Laudabiliter,' whom English students delight to reverence as their master in the ecclesiastical history of the reign of Henry VIII, can think of such a comparison as this.[105] Father Morris proceeds, first, 'to give the reader some idea of the public and private character of this personage from his youth upwards, and especially at the period when the sovereign pontiff is supposed to have intrusted him with so delicate and sacred a mission;'[106] and then to discuss, by way of commentary on the life of Adrian IV, the relations between the 'Anglo-Saxon' people and the Norman kings down to the time of Henry II.[107] The only original sources of information which he appears to have consulted on these matters are the Venerable Bede,—'the "Anglo-Saxon Chronicle" published by Dr. Giles with Venerable Bede's History,' 'Oderic, Vitalis,'[108] St. Bernard, the Letters of St. Thomas of Canterbury, 'Roger of Pontigny,' and the untrustworthy but yet indispensable Gerald of Wales. His other authorities are Rohrbacher, Thierry, Martin, Lingard, Ciaconi, and Baronius. Elsewhere he refers once to Bishop Stubbs's editions of Gervase of Canterbury and Roger of Howden;[109] and on another occasion he pits Roger of Howden and William of 'Newbury' against Gerald.[110] He tells us that 'the most damning evidence against Henry is to be found in the epistles of St. Thomas of Canterbury. The saint had known the king from his youth.'[111] Father Morris once cites a letter of St. Thomas in the Rolls edition; he is therefore not wholly unaware of Canon Robertson's labours on the history of the Canterbury martyr. It is a pity that he did not avail himself of them to acquire clearer notions on this part of his subject. Even from Migne's reprint of the old edition by Giles, however, to which he refers both for the letters and for 'Roger of Pontigny'—nay rather, from his own

[103] *Ibid.* p. 130. [104] *Ibid.* p. 70.

[105] The comparison may possibly have been suggested by a remark of Mr. Brewer's, upon Henry II's reception of the first nomination of Gerald to St. David's: 'He asserted out his wrath as none but he and Henry VIII knew how' (Gir. Cambr. *Opp.* vol. i. pref. xxix).

[106] Morris, p. 71. [107] *Ibid*, pp. 76–81. [108] *Sic*, p. 117, note 2.

[109] Morris, p. 138, note 1. [110] *Ibid*, pp. 139–40. [111] *Ibid*, p. 73.

reverend and learned namesake's well-known sketch of the martyr's life—he might have discovered that the personal acquaintance between St. Thomas and Henry had begun only at the king's accession, less than twelve months before the date assigned to John of Salisbury's mission to Rome. 'How much light is thrown upon the English side of our subject by a glance at the private life of Adrian IV, and the relations of St. Thomas with Henry Plantagenet'[112] is a matter which perhaps need hardly be discussed in detail with Father Morris. It may suffice to observe that his reading of the English Chronicle appears to have stopped short of the passage wherein the English people's opinion of the character of their young Angevin king, in the bright morning of his reign, is set forth in words which—coming from such a source—are of themselves enough to justify Adrian's choice: 'All folk loved him, for he did good justice and made peace.'

The next group of arguments against 'Laudabiliter' may be called arguments from silence: the silence of Henry himself respecting the letter, during twenty or more years after the date at which it is alleged to have been sent; of Adrian's successors, both as to the letter itself, and as to the tribute of Peter-pence mentioned in it as promised by Henry from Ireland; of king and pope alike, in the oath taken by Henry to Alexander II in 1172; of Cardinal Vivian, Alexander's legate in Ireland, in 1177; of Henry's secretary, Peter of Blois, throughout his correspondence; of John Lackland and Innocent III, at the homage in 1213; of Pope Adrian's biographers; of the Irish annals.

First, it is acknowledged on all hands that there is no sign of any attempt on Henry's part to publish the letter in Ireland, and no mention of its existence by any contemporary writer (with the disputed exception of John of Salisbury) before 1175. In that year Gerald states that the letter was read before a synod of bishops at Waterford.[113] This statement, however, rests upon Gerald's authority alone; beyond this there is no direct evidence that the letter was ever formally published in Ireland at all, and it is in fact heard of no more till its text appears in 1188 in the pages of Gerald himself.

Secondly, three letters are extant which purport to have been written by Pope Alexander III, in September 1172,[114] to Henry, the Irish princes, and the Irish bishops. Cardinal Moran holds that these letters 'are certainly authentic,' and that they 'furnish an unanswerable argument for wholly setting it ('Laudabiliter) 'aside as groundless and unauthentic.'[115] The writer in the *Analecta*, on the contrary, regards them as forgeries;[116] but nevertheless he too

[112] *Ibid.* p. 87. [113] Gir. Cambr. *Opp.* v. 315-6.
[114] Misprinted '1170' in Gasquet, p. 92.
[115] Moran, p. 58. [116] *Anal.* p. 285

endeavours to use them as arguments against 'Laudabiliter,' for the same reason which is urged by Cardinal Moran: 'They are entirely devoted to the circumstances of the invasion of our island and its results, and yet the only title that they recognise in Henry is "that monarch's power, and the submission of the Irish chieftains;"'[117] they make no mention of any papal grant, nor of the tribute of Peter-pence, which 'Laudabiliter' expressly states that Henry had undertaken to establish in Ireland. Moreover, that tribute never was introduced into Ireland at all, and no later pope ever demanded it.

Thirdly, in that same year 1172, Henry, as a condition of receiving absolution from the pope's legates for the death of St. Thomas, took an oath whereby, amongst other things, he is said to have sworn that he and his heirs for ever would 'receive and hold the kingdom of England of Pope Alexander and his catholic successors,'[118] but without a word about holding Ireland on similar terms. There exists also a letter which purports to have been addressed by Henry to the pope, and which contains these words: *Vestrae jurisdictionis est regnum Angliae, et quantum ad feudatarii juris obligationem, vobis dumtaxat obnoxius teneor*,[119] again without any hint of a like obligation as regards Ireland.

Fourthly, in 1177, a papal legate in Ireland, Cardinal Vivian, advised the Ulstermen 'to fight for their country' against a threatened attack of John de Courcy;[120] whence it is inferred that Vivian either was unaware of the existence of 'Laudabiliter,' or knew it to be a forgery.

Fifthly, Henry's confidential secretary, Peter of Blois, who knew all the king's affairs, and who was also a personal friend of John of Salisbury, in the whole of his voluminous correspondence mentions Ireland but once, and then only to say that Henry paternis facultatibus superaddens in fortitudine manus suae ducatum Normanniae, ducatum Aquitaniae, ducatum Britanniae, regnum Angliae, regnum Scotiae, regnum Hiberniae, regnum Walliae, paternae magnificentiae titulos inaestimabiliter ampliavit.[121]

Ubi vides Hiberniae consecutionem viribus Henrici, non Pontificis largitioni acceptam referri, comments Lynch,[122] and thence proceeds to argue that the pope's 'grant' is a forgery; forgetting that if the words *in fortitudine manus suae* were to exclude every other agency in the acquisition of Ireland, they must do the same in the case of all the other territories named in Peter's list, and that if this view were adopted, a large part of the history of western Europe in the twelfth century would have to be entirely rewritten.

[117] Moran, pp. 58–9. [118] Baronius, xix. 393; *Anal.* pp. 283–4.

[119] Pet. Blois, ep. 136 (Giles, ii. 20; *Anal.* p. 284). Giles dated this letter 'A.D. 1177?'; the *Analecta* writer dates it 1172.

[120] Will. Newb. l. iii. c. 9 (Howlett, i. 238).

[121] Pet. Blois, ep. 66 (Giles, i. 195). [122] *Cambr. Ev.* ii. 450–2.

Sixthly, King John in 1213, when doing homage to the pope Ireland as well as for England, *n'allègue aucun ancien titre s'exprime comme faisant une concession nouvelle, comme offrant sp tanément son royaume à l'Eglise romaine. Le Pape Innocent plus, dans sa réponse, ne dit pas un seul mot de la bulle d'Adrien* nor did he make any claim for Peter-pence, but accepted with remark John's promise of a yearly tribute of 300*l.* from Irela which promise, says the writer in the *Analecta, protesta hauten contre la bulle apocryphe d'Adrien IV.*[124]

Seventhly, two biographies of Adrian IV were written in fourteenth century, and 'in neither is there any mention of t important act of the pope.' [125]

Eighthly, none of the Irish annals ever mention it at all.[126] which may be added that all the English chroniclers of thirteenth century, except Ralf de Diceto, Roger of Wendover, Matthew Paris (somewhat important exceptions, indeed) ignor likewise.

From all these things it is concluded that Henry dared produce the letter during the lifetime of Adrian, who would l disowned it, nor during that of Louis, who would have dete and exposed it as a forgery; that it was either unknown at R or regarded as false, and therefore purposely ignored by the p themselves and by the English kings in their communications them; and that it was suspected, if not absolutely disbelieve Ireland, and probably in England also.

Those who draw this conclusion have failed to notice one c argument which might be deduced from the silence of Adr successors. That the popes were really unaware of the exis of 'Laudabiliter' and its story for more than a hundred yea incredible. Writers who so strongly emphasise the paternal of the sovereign pontiffs for Ireland, and their intimate know of all that was passing there, cannot seriously suppose them to long remained in ignorance of a trick played by the English ki a matter which these writers consider of such vital importance to the fate of that country and to the honour of the Holy See. then can they account for the fact that not one of Adrian's cessors ever lifted up his voice to protest against the wrong dc Adrian's memory, to denounce the wrongdoers who were un trading upon his name, and to warn the faithful against all themselves to be deceived, in so grave a matter, by an imp and mischievous forgery?

The true argument from silence in the case of 'Laudabilit in fact a very simple one. It is implied in Cardinal Moran' words: 'The supposed bull of Pope Adrian had no part wh

[123] *Anal.* p. 315. [124] *Anal.* p. 317. So also Lynch, ii. 436.
[125] *Anal.* p. 329; Gasquet, p. 93. [126] Morris, p. 111.

in the submission of the Irish chieftains to Henry II'; [127] nor, it may be added, in the submission of the Irish bishops and clergy. At the opening of Henry's reign, when he very characteristically proposed to kill two birds with one stone, and reduce Ireland to order after the pattern of that which had already won him the love of 'all folk' in England, by setting up his brother, William of Anjou, to rule it under himself as overlord, it was extremely natural that he should seek to obtain for his enterprise the blessing of the English pope, newly crowned like himself, and whom he seems to have greeted immediately after his accession with eager suggestions of work to be done and crusades to be preached in all directions.[128] Circumstances, however, hindered the fulfilment of this project; and when at length an opening came for intervention in Ireland, it came in a way which altered the whole aspect of the case. It came through Dermot of Leinster's appeal for succour, at a moment when Henry was in the hottest of his fight with the church and with France both at once, when his own direct intervention in Ireland was impossible, and he could only accept the homage volunteered by Dermot, and give a vague general sanction to the furtherance of Dermot's cause by any subject of the Angevin realms who cared to risk the adventure. The consequence was the invasion of Ireland by Strongbow and the Geraldines, and the establishment on its western coast of what in less than three years grew into a new feudal state, independent of all royal control, and composed of skilled warriors sprung for the most part from a union of the two most turbulent races in Europe—the Norman baronage and the Welsh people—bound together by the closest ties of kindred as well as of common interest, and under the leadership of a disgraced English noble. For this consequence Henry was certainly not responsible. Nothing could be more threatening to his interests as an English king; and nothing could be more honourable, more absolutely removed from any attempt to profit by the condition of affairs in Ireland to effect an entrance there for himself, than the means whereby he sought to check it. He issued, some time in 1170, an edict forbidding all further intermeddling of his subjects in Ireland, and bidding those who were already there either return before Easter next, or consider themselves banished for life.[129] The command was disregarded. On the one hand, the invaders were virtually defying their own natural sovereign; on the other, they were driving the Irish to desperation; and, thus by their own acts placed between two fires, they were

[127] Moran, p. 52; cf. Jungmann, p. 219.

[128] Pet. Blois, ep. clxviii. (Giles, ii. 116–118).

[129] Gir. Cambr. *Opp.* v. 259. See the fines levied on persons 'who went into Ireland against the king's command,' in Mr. Sweetman's *Calendar of Documents relating to Ireland*, pp. 1, 2, 4 (extracts 4, 10, 24, from Pipe Rolls 17 and 18 Hen. II).

growing desperate themselves. So, Gervase of Canterbury tells just when Henry was anxiously looking out for a refuge from storm which the catastrophe of Dec. 29 had conjured up over head, two more appeals reached him from across the Irish sea.

The native kings and inhabitants of the country sent envoys to king of England, asking that he would come into Ireland and help t against the mischievousness of Earl Richard, and take to himself the minion of Ireland. Earl Richard on his part, fearing lest the king sh deprive him of his conquests, sent messengers, offering to hold those quests of the king. These, then, were two causes why the king we Ireland, the appeal of the Irish for defence against Richard, and Rich appeal that they might not be protected against him. The third, wh believe was the chiefest, was that he might more easily avoid, or ob with less public exposure, the impending interdict.[130]

The Irish appeal may very well have been despatched befor murder of St. Thomas, at the moment when Henry was forma peace with both primate and pope. There is nothing impossil Gervase's account of that appeal, for it is certain that the kings, all save one, acted in precise accord with its terms. E it be a fiction, however, their action and that of the Irish pr and the reason of this action in the case of both, are none th plain. They simply 'bowed to Henry for need,' as the E clergy and people had bowed to his great-grandfather a hu years before. Henry, in short, said nothing about the pope's because it was a matter of no practical consequence whatever the silence of Alexander III, of his legate Vivian, of Peter of of Innocent and John, of Adrian's biographers, of the Iris English chronicles, is to be accounted for on the same grou The 'bull' which some of its modern critics treat as a state p such tremendous importance was in the eyes of its writer, cipient, and every other man of their day simply a 'commen letter,' whereby Henry had the satisfaction of knowing, not t was expressly bidden, or desired, or authorised, or advis the Father of Christendom to do a certain thing, but that, if do it, the Father of Christendom, 'resting on the good int set forth by that monarch himself,'[132] would have nothing against it. In 1155 there was everything to indicate the si of those good intentions; in 1171–2 Henry, however chan other respects, still did nothing to belie a wish to fulfil them as Ireland was concerned, according to his lights and the li his day. Alexander III, therefore, merely recognised I assumption of dominion over Ireland, as the Irish kings and l

[130] Gerv. Cant. i. 234–5.

[131] *Dieses Argument 'ex silentio' ist immer schwach, zumal wenn es sic ungenügende Quellen handelt, wie es hier der Fall ist* (Pflugk-Harttung, p. 1

[132] Moran, p. 52.

themselves had acknowledged it, without further question. His predecessor's letter might have been adduced by the king as an argument in his own favour, had the occasion for such an argument arisen; but no such occasion ever did arise. The last few years have seen the beginnings of a new school of English historians who appear to look upon Henry Fitz-Empress as little better than a fool. To them, perhaps, the theory may commend itself that he went to the trouble of forging a letter in the pope's name, only to keep it buried for twenty or thirty years, or of forging a letter in the name of a dead pope, only to let it ooze out, rather than to publish it, in Ireland and England at a time when it could be of no practical use to him whatever. Students who have been trained under older masters will prefer to interpret history on simpler and less fantastic principles.

As regards Henry's homage to the pope in 1172 (if indeed the homage was done), a separate mention of Ireland in it would have been absurd; no such homage was called for by Adrian's letter, which made no grant of investiture; and so far as Henry was, or claimed to be, 'lord of Ireland' at all, he made the claim and exercised the overlordship in his character of king of England, and homage for England would include homage for Ireland as an underfief of the English crown, like Scotland and Wales. In 1213 the position was different. In one of Henry's various schemes for parcelling out his realms as underfiefs among his sons, Ireland had been allotted to John. The father had nothing else to give to his favourite child; yet he knew that, if matters in Ireland were left to take their course as he had been compelled to leave them hitherto, John, notwithstanding the gift, would be practically 'Lackland' still. Thinking that he saw at last a prospect of leisure for the purpose, he resolved to turn Ireland's nominal submission to his overlordship into a reality, to master the whole country, and to make John its actual ruler under himself. His present scheme, in fact, was a revival of the original scheme of 1155, differing from it only in two details. His son was now to take the place then destined for his brother; and instead of beginning with the reduction of the country, and deferring till it should be accomplished the question of its new ruler's title and rank, he now designed to secure for John at once the sacred dignity of kingship. This, however, involved a religious ceremony of coronation and unction; and the setting up of this proposed new kingdom of Ireland therefore required the consent of the church, as represented by the supreme pontiff. According to two contemporary historians, Henry asked and obtained from Alexander III leave to carry his plan into effect; and in a great council held at Oxford in May 1177 formally invested his son with the new kingdom thus recognised by the pope.[133] John, how-

[133] *Gesta Hen.* i. 161; Rog. Howden, ii. 133.

ever, was then but ten years old; Henry soon found himself overwhelmed with other business, and the matter proceeded no further till March 1185, when John was knighted and sent to supersede Hugh de Lacy as governor in Ireland. Within six months the wretched lad had made Ireland too hot to hold him; nevertheless, Henry at the close of the year applied to Urban III, who had just succeeded to the tiara, for a fresh permission to have his son crowned and anointed as king of Ireland; and Urban not only granted the request, but sent for the young sovereign a crown of peacock's feathers set in gold. So at least we are told by the contemporaries referred to above; and they add that two papal legates, who came to England at the following Christmas-tide, came for the special purpose of officiating at John's coronation.[134] That coronation indeed never took place; but it is obviousthat when the man who had been destined to receive it succeeded to his father's throne, the two realms of England and Ireland would, in his mind, stand in a very different relation from that in which they had stood during his father's lifetime, and a separate homage for each of them would be as natural from him as it would have been unnatural from Henry.

The question of the Peter-pence is even more simple. Adrian in 'Laudabiliter' does not demand Peter-pence; he merely, in recapitulating the terms of Henry's proposition, names its establishment as one of the things which Henry promised to do in Ireland. The whole of their joint scheme was necessarily subject to one condition; Henry was to do all these good things, if he could and when he could. That Alexander in his three letters of 1172 (if they indeed are his) should say nothing about the Peter-pence, ought surely to excite no surprise. It would have been much more surprising, because highly derogatory to his tact, wisdom, and justice, if he had mentioned it at that moment. He wrote to express his approval of the transactions which had just taken place between the Irish and their new-made overlord, and to exhort all the parties concerned in them to mutual fidelity and good will. To expect that he should assail them with an instant demand for money, before they had had time to settle down in their new relations, would be to charge him with equal recklessness and rapacity. Henry had made himself answerable for the Peter-pence, but Henry's sway over the country never became direct enough to give him a chance of establishing there a tribute which even in England was notoriously difficult to obtain regularly. Nor were his successors better able than himself to redeem this part of his promise. Most reasonably, therefore, did Adrian's successors abstain from entering upon a useless and undignified dispute over a matter of filthy lucre, and

[134] *Gesta Hen.* i. 339, ii. 3, 4; Rog. Howden, ii. 306–7, 317.

treat John's offer as covering all their claims upon the material wealth of Ireland.

The silence so long maintained about 'Laudabiliter' is broken in the fourteenth century. Adrian's letter is distinctly alluded to in a remonstrance addressed to Pope John XXII, in or about 1315, by Donnell O'Neill and the other Irish princes and people, or, as the writer in the *Analecta* thinks, by O'Neill in the name of all. The words which concern us are these:

> Adrianus Papa, predecessor vester, non tantum origine quantum affectione et conditione Anglicus, A.D. 1170 ad falsam et plenam iniquitate suggestionem Henrici regis Angliae . . . dominium regni nostri . . . eidem . . . contulit indebite, ordine iuris omisso omnino, Anglicana affectione, proh dolor! excaecante tanti pontificis intuitionem.[135]

Cardinal Moran, who, it has been seen, thoroughly understands the real meaning of Adrian's letter, thus explains the strange use made of it in this remonstrance:

> The bull of Adrian IV was published by the English, and set forth by them as the charter-deed of their rule in Ireland, yet they violated in a most flagrant manner all the conditions of that papal grant. The Irish princes and people in self-defence had now made over the sovereignty of their island to Edward Bruce . . . and they pray the pope to give a formal sanction to their proceedings. Thus throughout the whole remonstrance the bull of Adrian is used as a telling argument against the injustice of the invaders, and as a precedent which John XXII might justly follow in sanctioning the transfer of the Irish crown to Edward Bruce.[136]

No better explanation can be desired. But, if these things are so, does it not necessarily follow that the writers of the remonstrance believed in the genuineness of the letter, and had no expectation of finding it questioned at Rome? Pope John's comment on the remonstrance, in his letters to King Edward and to the legates in England, helps neither side in the controversy; he merely says of 'Laudabiliter,' in what Father Morris describes as 'the official Roman form when the fact is neither denied nor affirmed,' *concessisse dicitur*.[137] Some eight or ten years later the attitude of the Irish people towards the letter seems to have really changed. About 1325 the lord justiciary and royal council of Ireland addressed to the same pope a letter wherein they charge the Irish with sundry crimes, and amongst other things with rejecting the authority of certain papal bulls: *asserentes etiam Dominum Regem Angliae ex falsa suggestione et ex falsis bullis terram Hiberniae in dominium impetrasse, ac communiter hoc tenentes.* Cardinal Moran is entitled to argue from this that 'Adrian's bull was universally rejected by our people.'[138] But it may also be gathered from the same

[135] *Anal.* p. 328.
[136] Moran, pp. 60–1.
[137] Morris, p. 145; Theiner, *Vet. Mon. Hib.* p. 201.
[138] Moran, p. 62.

passage that the justiciar and council had no idea of its bein doubted at Rome. And the apostolic see has, in fact, with i characteristic wisdom and moderation, pronounced no judgmer upon 'Laudabiliter' to this day.

In the words of the Irish remonstrance of 1315 may be see the germ of the fallacy which caused Irish feeling to turn again 'Laudabiliter' at that period, and whence the discussion over it i our own time has in like manner sprung. The argument of th document may be thus abbreviated :—The domination of th English crown over Ireland has proved a source of much evil t one island, perhaps to both; Pope Adrian never would have lent helping hand to the perpetration of this evil; therefore, the lett whereby he is said to have sanctioned the beginning of the Engli domination never came from him,—this is, in substance, the cha of ideas which really lies coiled up at the heart of the whole co troversy. If the politics of the twelfth century are to be view through the medium of the politics of later ages, it may see impossible to avoid the conclusion except by denying one or b of the premises. If, however, modern politics are put out of sig and out of mind, and those of the twelfth century are regar in the light of the twelfth century itself, then one who fully acce the first two propositions may yet dare to say of the third, *sequitur*.

KATE NORGATE

Mary and Anne Boleyn

A CONTROVERSY which has gone on by fits for many years past, seems to have failed in settling the vexed question of the comparative ages of Anne Boleyn and her sister Mary. And yet it appears to me that the final result, if not absolutely conclusive, affords at least that degree of certainty on which we are accustomed to rest in historical matters generally, until new and material evidence is brought forward on the other side. The discussion, however, has proceeded in a fashion so desultory and irregular that I find even careful critics have failed to take in the whole case on either side, and a methodical statement of the evidence relied on by the different disputants ought, I think, to be made accessible to all.

To writers of an earlier generation the point never presented itself as a matter for serious inquiry. The scandalous relations that at one time existed between Henry VIII and Anne Boleyn's sister were supposed to have no other foundation than a malignant falsehood of the Jesuit Sanders; and the question which sister was the elder hardly stirred the curiosity even of genealogists. But the case stands differently now when so much fresh documentary evidence has come to light; and apart from the unpleasant things said of the private conduct of Mary some points in her personal history have an imperative claim on the historian's attention as bearing on the career of her more famous sister.

First of all, the question was raised by the late Professor Brewer about her going to France in the year 1514 in the suite of Henry VIII's sister Mary when she went to marry Louis XII. All the old historians say that Anne, not Mary, went to France in that year, and in that company. But Mr. Brewer, in his preface to the first volume of the Calendar of State Papers of Henry VIII's reign, declared this to be an error. 'It was not Anne,' he says, 'but Mary Boleyn, her elder sister, who attended the Princess into France; and no doubt it is Mary, and not Anne Boleyn, who was *fille d'honneur* to Margaret of Savoy and the subject of that lady's letter to Sir Thomas Boleyn, cited by Le Glay in his able edition of the Lettres de Max., &c. ii. p. 461.'[1]

[1] *Letters and Papers, Henry VIII*, vol. i. Pref. p. lxv.

The scope of this correction was misapprehended at the time by some well-informed critics, who supposed that Mr. Brewer intended to dispute the indisputable fact that Anne Boleyn passed some of her early years in France. Mr. Brewer, accordingly, in the preface to the third volume of the same work (p. ccccxxx), made a further explanation on the subject, suggesting, as the most probable view, that she went to France with her father in 1519 and remained there till 1522. In his fourth volume he was obliged once more to recur to the subject (Introd. ccxxxiii), still maintaining that it was Mary Boleyn and not Anne who went to France in 1514 with the sister of Henry VIII.

As this opinion has been questioned by several writers since,[2] it is desirable first to examine the evidences on which it was based, and secondly to see what is to be said on the other side.

First of all we have a record printed by Leland from an old heraldic book, of the lords, ladies, and gentlemen who went over to France with Mary and were present at her marriage with Louis XII; at the end of which is a list of six 'gentilwomen which were appointed to have abidden in France with the French Qwene.' Among these six occurs the name 'M. [i.e. Mistress or Miss] Boleyne;' and it is agreed on all hands that this must be the designation of the elder sister, not of the younger. The question then arises, was Anne Boleyn older or younger than her sister Mary? If Anne was the elder, it is clear that she was intended; or, taking the converse mode of reasoning, if it can be shown that Anne went to France in 1514, it seems fairly plausible to maintain that she, not Mary, must have been the elder sister.

Now Mr. Brewer, when he wrote, was aware of no evidence which went distinctly to show that Anne Boleyn went to France in the year 1514; and as he accepted Camden's statement—the only positive statement that exists upon the subject—that she was born in 1507, he naturally thought it quite incredible 'that a child of seven years old would be taken from the nursery and her name be inserted in an official list of *gentlewomen* appointed to attend on the princess of England at her approaching marriage with Louis XII, 'to do service to the Queen.' But since Mr. Brewer's day evidence has been produced by Mr. Friedmann which certainly makes it appear that Anne went over to France as early as 1514; for, not to mention other testimonies of some value, this is distinctly stated by a well-informed foreigner in London, who wrote a French poem on Anne's tragic history a fortnight after her execution.[3] The result has

[2] For the opposite view, see Hepworth Dixon in *Gentleman's Magazine* for March 1876 and controversy thereupon in *Athenæum* January–June 1876, pp. 427, 463, 496, 533, 566, 597. Friedmann's *Anne Boleyn*, ii. App. 315–322; Round's *Early Life of Anne Boleyn*, and controversy thereupon in *Athenæum*, January–June 1886, pp. 391, 424, 488, 811.

[3] Printed by Crapelet at the end of *Lettres de Henri VIII à Anne Boleyn*.

been that recent critics have turned Mr. Brewer's own argument against his conclusion, insisting that Anne must have been older than her sister Mary, and that the date of her birth given by Camden must be wrong, as it is quite inconceivable that a child of seven could have been named as one of the Princess Mary's gentlewomen.

One point, unfortunately, has been overlooked on both sides. Mr. Brewer, taking for granted that Anne Boleyn was only seven years of age in 1514, inferred justly enough that she could not have been the Mistress Boleyn mentioned in Leland's list. His critics, on the other hand, finding that Anne Boleyn did go to France in 1514, consider it equally clear that she and not Mary is the Mistress Boleyn named in the list, and they see no reason, apparently, for believing that Mary was ever in France at all. But why should not both sisters have gone abroad in that year? The elder might have been quite capable of taking care of the younger, until the day that she was left under the protection of Queen Claude, and the official list would not have mentioned that a gentlewoman named Mistress Boleyn was accompanied by a child of seven years old. This may perhaps seem a mere hypothesis, and so it would have been if there were no positive evidence that Mary spent some time in France as well as Anne; but although Messrs. Friedmann and Round, in maintaining Anne's seniority, were not aware of this, the fact can now be proved beyond all question. For just before Anne Boleyn's fall the bishop of Faenza, papal nuncio in France (Ridolfo Pio, afterwards cardinal of Carpi), reporting to Rome some recent rumours (not very accurate certainly) about the demoralised English court, said that 'that woman' (meaning Anne Boleyn, whom he disdained to name) had pretended to have miscarried of a son when she was not really with child at all, and that to keep up the deceit she would allow no one to attend on her but her sister, whom the French king knew when she was in France '*per una grandissima ribalda et infame sopra tutte.*'[4] I may remark in passing that this seems to throw some light upon Sanders's statement that Anne Boleyn was known in France for her shameless behaviour as 'the English mare.' The epithet, no doubt, was given to her sister, not to her. But the important point to note at present is that Mary Boleyn certainly spent some time in France as well as her sister Anne; and, that being the case, there is no reason whatever why she should not have been the Mistress Boleyn who attended the Princess Mary in 1514.

I take it, then, as sufficiently well ascertained that Sir Thomas Boleyn, an old courtier, found the means of sending both his daughters abroad and giving them a French education. Where or how he disposed of each is a question not so easily answered, except

[4] *Calendar, Henry VIII*, vol. x. No. 450.

that in the case of Anne we know that she was soon, or at le after a time, taken into the household of Claude, the queen Francis I. At first, however, if Sanders is not mistaken, she w placed under the care of some French nobleman near Briare, as l Friedmann believed the place to be (*non longe a Briero*);[5] l unless both sisters went together, which is not improbable, Sand may be confounding the one with the other here also. Yet, thou the ground is very uncertain, it may be remarked that a few yea residence at Briare, or whatever the place was, would fit toleral well with the story of Anne's early life and perhaps throw so light upon a very unintelligible girlish letter of hers which seems have been one of her first epistolary efforts in the French langua The spelling is so peculiar throughout that the words she intenc to write are doubtful, and yet the handwriting, I am told, is firm to be that of a very young child.[6] It is dated at the end 'Veure,' which has been supposed to be Hever, her father's pl in Kent, but may possibly be Briare or some place near it, if ind it is a place at all,[7] and it speaks of the writer's satisfaction at prospect of going to court and seeing the Queen who had expres her willingness to speak with her. This might quite well h been in 1519 when her father, to whom the letter is addressed, ambassador at the French court and had very likely spoker Queen Claude upon the subject himself; and in 1519, if Camde right about the date of her birth, Anne Boleyn was twelve years

However this may be, it is certain that either by this tim very shortly afterwards her sister Mary had returned home—ei as having completed her education in France, or, possibly, bec she had earned so bad a character that, to prevent too much scar her friends there desired to get rid of her. It is noteworthy, a events, that she did not remain in France till her father's re from his embassy in March 1520, for she was married at Green about a month before, on Saturday, 4 Feb. (Calendar III, p. 1(when the delay of a few weeks would have enabled her fath grace the ceremony with his presence. Her husband was Wil Carey, a gentleman of the privy chamber, who thus became anc

[5] Briare, formerly written Briere, is certainly the place that corresponds nearly to the name as given by Sanders; but M. Augustin Filon writes i *Athenæum* of 28 May, 1887, that the place really is Briis-sous-Forges, 'a very but ancient village on the road from Limours to Arpajon, in the department of et Oise,' where it appears there exists to this day an old square tower, com called the 'Tour d'Anne de Boleyn,' and traditionally said to be part of the ho which Anne received her education.

[6] The original letter is preserved at Corpus Christi College, Cambridge, a exact transcript of it, *literatim et verbatim*, is given in vol. iv. of the *Calendar*,

[7] The wording of the date is 'et scripte a Veure,' which has always been preted to mean 'écrite a Veure' (the name of a place). But if the young lad as near Paris as Briis, and her father was in the neighbourhood, it is not at all ceivable that she may have meant 'écrite a v. heures' (written at 5 o'clock).

of the barons of Hunsdon; and we shall have something to say about his descendants presently.

It is curious, certainly, that if Mary Boleyn was too bad for the French court, there should have been at this very time an outcry against the prevalence of French manners at the English court. Yet so it was; and so strong was the feeling on the subject that the lord chamberlain was instructed to call before the council Nicholas Carew and some other gentlemen of the privy chamber (whether Carey was among them we are not told) and banish them the court. The young gentlemen had all been in France, where one of their amusements had been to ride through the streets of Paris along with the French king in disguise, 'throwing eggs, stones, and other foolish trifles at the people,' and they came back, it is said, 'all French in eating, drinking, and apparel, yea and in French vices, and brags, so that all the estates of England were by them laughed at; the ladies and gentlemen were dispraised, so that nothing by them was praised but if it were after the French turn.'[8] This, however, is by the way. What is really important to our argument is to note that Mary Boleyn had returned from France, and was married in England in February 1520, while Anne her sister remained at the French court till the end of the year 1521; for we find Francis I writing in January 1522 that the English seemed by various indications to be intending war against France, and that the English scholars at Paris, and Sir Thomas Boleyn's daughter had returned to their own country.[9] Whilst Anne was still abroad in 1520, a marriage had been proposed for her with Lord James Butler, the son of Piers, earl of Ormond, and the king had written to the earl of Surrey, then deputy in Ireland, who had suggested it, in a rather encouraging way.[10] The matter, however, after being talked about for a year and a half, or possibly somewhat longer, seems to have been finally dropped soon after Anne's return to England.

Now, as Mary Boleyn was actually married some months before we even hear of a proposal for marrying her very captivating sister —and it must be remembered that marriage projects in those days were commonly formed when the parties were under age, if not when they were in their cradles—the natural presumption would be from this fact alone that Anne was the younger sister. And if Camden be right as regards the date of her birth the presumption becomes a certainty, for in that case she was only thirteen, in fact she must have been under thirteen,[11] at the time of her sister's

[8] Hall's *Chronicle*, pp. 597–8.

[9] *Calendar*, iii. No. 1994.

[10] *Ib.*, Nos. 1004, 1011, 1762.

[11] The month of February in the historical year 1520 would have been assigned to the year 1519 in the computation of those days; and the year 1507 given as the date of Anne's birth meant between 25 March 1507 and 24 March 1508 of the modern reckoning. So Anne may have been at the time only twelve.

marriage. The only way, therefore, in which it can possibly maintained that Anne was the elder sister is by disputing accuracy of the date given by Camden as the year of her bi And in fact Messrs. Friedmann and Round wish us to believe t Camden was misinformed.

Now a date given by a careful antiquary was presumably result of inquiry on his part, and ought not to be lightly challen It may, of course, be erroneous, for antiquaries are not infallil but until some countervailing testimony is produced, or the d itself appears to lead to results improbable or irreconcilable v our knowledge from other quarters, it should be considered authoritative. And in this case the only direct evidence produ in opposition to Camden is that of a picture which Mr. Friedm declares to be a portrait of Anne Boleyn by Holbein bearing inscription 'HR. 1530—ætatis 27.' From this of course it wc appear that she was born in 1503 or 1504. But unfortunately Friedmann was wrong both about the painter and the per represented. The former, as Mr. George Scharf pointed out l ago in the 'Archæologia' (vol. xl. p. 81), must have been on three German painters who bore the initials 'H.B.' (for it is t two letters, not 'H.R.' run together, which are signed on it the date); and the lady represented is not Anne Boleyn but A queen of Hungary and Bohemia, whose age exactly corresp with the date in the picture. Thus the only positive eviden the date of Anne's birth at variance with that of Camden fal the ground.

But we must look a little further into arguments of probabi for as Camden's testimony stands alone, and we know not what degree of certainty even he believed that he knew the it is much to be desired that we should find further evidences e corroborative or otherwise. So far as we have gone, indeed, e thing seems to harmonise with Camden's date exceedingly but is there nothing else to be found, either as to Anne's exac or as to the relative ages of herself and her sister?

On the latter question we certainly have a very important of testimony, which I confess seems to me to be decisive. Wi Carey of the privy chamber, who married Mary Boleyn, had b a son named Henry, who, being first cousin to Queen Elizabeth created shortly after her accession Baron Hunsdon of Hunsd Hertfordshire. He died in 1596 and was succeeded in the tit his son George, who next year wrote a letter to Lord Trea Burghley to ask his advice about putting forward a claim t earldom of Ormond. This earldom had been granted along that of Wiltshire to his great grandfather, Sir Thomas Boley descent of the earldom of Wiltshire being limited to the heirs while that of Ormond was to go to the heirs general; and t

the earldom of Wiltshire had become extinct for lack of heirs male, he (Lord Hunsdon) conceived that the earldom of Ormond should have descended to his father and himself as son and grandson of Sir Thomas Boleyn's eldest daughter. It was objected, indeed, he wrote, that if there was anything in this claim Queen Elizabeth was a coheir with himself, as being 'daughter and heir of Anne, *youngest* daughter of the said Sir Thomas Bullen, late earl of Ormond.' But as regards the lands there were no coheirs, for before Elizabeth's accession they had come to Lord Hunsdon's grandmother as *sole* heir and his father had sold them; the only question was about a bare title, which Her Majesty as Queen could not bear, and as his grandmother was the *eldest* daughter his lordship conceived it ought to descend to him.[12]

How Lord Hunsdon could possibly have thought of setting forth such a claim as this, if the fact of Mary Boleyn's seniority to her sister Anne was not perfectly well known both to him and to Queen Elizabeth, I confess I fail to understand. The writer affirms as a simple matter of fact that he has the advantage of the Queen in a genealogical point of view, and if the fact had been otherwise, his audacity must have been unparalleled. Mr. Friedmann, indeed, by one line of reasoning, and Mr. Round by another, have endeavoured to weaken the force of this consideration by arguments which I feel it hardly necessary to notice, seeing that no misstatements of which Lord Hunsdon could possibly be guilty in other matters[13] afford the slighest presumption that he was wrong in the very vital matter on which his whole argument was based. But it is the less necessary to notice these criticisms in detail because those of Mr. Friedmann have been already proved by Mr. Round to be untenable, and the most formidable point Mr. Round himself can make against Lord Hunsdon's statement of his case is that he endeavours to discredit the existence of an Act of Parliament which was a fatal bar to the claim he was putting forward.

And need I say anything of the tombstone evidence of a still later date adduced by Mr. Round, as it was by Mr. Hepworth Dixon before him, to discredit a fact on which Lord Hunsdon had proposed to appeal to Queen Elizabeth's knowledge of her own family history? On a monument to Elizabeth, Lady Berkeley, who died in 1635, daughter and sole heir of that Lord Hunsdon,

[12] *State Papers, Domestic, Elizabeth*, vol. 264, 6 Oct. 1597.

[13] Lord Hunsdon's actual misstatements are by no means so serious as Mr. Round endeavours to make out. Indeed, there is only one positive inaccuracy as to fact that has yet been shown, viz. in stating that Sir Thomas Boleyn 'was created Viscount Rochford and Earl of Ormond to him and his heirs general, Earl of Wiltshire to him and his heirs male.' The first title, like the last, was granted to him and his heirs male, but for the purposes of the writer's argument it need not have been mentioned at all. If the words 'Viscount Rochford and' were struck out of the above quotation, it would be strictly correct.

her pedigree is traced back to 'William Carey and the Lady M his wife, *second* daughter and coheir of Thomas Bullen, earl Ormond and Wiltshire, father also of Queen Elizabeth, late Qu of England.'[14] Is such a description as this to outweigh evidence of Lord Hunsdon's letter? The error was of no pract consequence then when only one branch of the family surviv and the man who composed the inscription, having probably means of ascertaining the truth, could easily have taken it granted that it was an elder, not a younger sister's issue t succeeded to the throne.

I think that I have now examined all the evidence tha anyway material to the relative ages of Anne and Mary Bole and, so far as I can see, all the early testimonies are perfectly c sistent with each other. I have therefore on this matter noth whatever to revoke of what I have said in other places. It will seen, however, that there are some statements in the earlier pa my article on Anne Boleyn in vol. i. of the 'Dictionary of Nati Biography' which I now desire to modify; and I am sorry to that besides the error about the time of her going to France, t are two other more serious mistakes which I take this opportu of correcting. First on p. 425, col. 1, the parenthesis relatin Sir James Boleyn should be struck out; for Sir James was no eldest brother and the Norfolk estate did not descend first to Secondly in the second paragraph (col. 2 of same page) inste 'Sir Piers Butler, son of the earl of Ormond' read 'Lord J Butler, son of the earl of Ormond.'

JAMES GAIRDN

[14] *Collins's Peerage*, iii. 616 (ed. 1812).

Villars

THE figure of Villars stands high among the great chiefs of the army of France. In a military career of nearly seventy years he saw the Bourbon monarchy at the summit of its power; he saved it from ruin by grand achievements; he beheld it inclined on the fatal slope which had the revolutionary abyss at its end; and he played a leading and conspicuous part in this splendid drama of chequered events. In youth he served under Turenne and Condé, and attracted the notice of these great men; in the prime of manhood, he won distinction in the contest that ended at the peace of Ryswick; in extreme old age, when Saxe and Löwendahl were soon to direct the arms of France, and to pass them on to Soubise and Clermont, he added to his renown as an illustrious warrior. But the title of Villars to enduring fame is vindicated by his glorious exploits in the tremendous strife of the Spanish succession; he was by far the first of the generals of France, and he was an adversary worthy of Eugene and Marlborough. Over and over again he redressed the balance of fortune when leaning against his country; his project of a descent on Vienna was the finest military conception of the age; his defence at Malplaquet remains a masterpiece; his campaigns of 1710–1711 reveal capacity of a very high order, and his magnificent deeds in 1712–13 give him a foremost place among great soldiers. Though diplomacy, too, was by no means his province, he successfully negotiated the peace of Rastadt, and closed an era of European war, and in his declining years he held the place in France which Wellington afterwards held in England—the mainstay of the throne, and the pride of the nation. It should be added that, like all true chiefs, Villars stamped his image on the armies he led; impetuous, daring, heroic in the field, he fashioned his soldiers to noble deeds, and obtained extraordinary results from them; but he was an excellent administrator and could be stern when needful; and, like Turenne, he enforced discipline, and possessed the secret of making French troops enduring, patient, and steady in war, as was conspicuously seen in his defensive campaigns.

The splendid gifts of this great man were, however, injured by

marked defects. As he tells us himself, he was wanting in tact, and did not know how to yield to inferior men; and this was one main reason why his grand project of 1703 was not carried out; why for many years he was disliked at Versailles; why he was not placed at the head of the armies of France until almost every other chief had failed. These faults, too, made him a bad diplomatist. Though entrusted with several diplomatic missions of great importance and extreme delicacy, he was not usually successful in this sphere of conduct; and here he was easily surpassed by Marlborough, a diplomatist of well-nigh unequalled excellence. A passionate and almost rash nature sometimes, also, mastered the judgment of Villars; as a strategist he stands in the first rank, but he committed more than one strategic mistake which Turenne would probably have avoided; and though, as a strategist, he perhaps did more than Marlborough, he was outmanoeuvred in the one great game of strategy in which he was face to face with Marlborough, for he did not possess the depth of thought, and the all but perfect insight of the renowned Englishman. Villars, it must be added, had a full share of the irritability and jealousy which, in all ages, have been characteristic of French commanders; and valuable and instructive as his memoirs are, they are disfigured by vanity, and are far from truthful. It would be perhaps correct to say that this great warrior pre-eminently displayed the merits and the defects of the French nature in his brilliant career. The genius of Turenne was rather Dutch than French; the illustrious scion of the house of Nassau showed the qualities in war of Tromp and De Ruyter. The genius of Napoleon was wholly Italian; it was that of the race which conquered Europe; that of the great Roman pontiffs, of Parma, of Caesar. But the genius of Villars was distinctively French, in its chivalrous daring, its aptitude for war, its quick intelligence, its vivid perception, but also in its want of calmness and depth; it was that which the founder of Imperial Rome ascribes to the martial races of Gaul; it was that seen in the highest perfection in the grand Condé.

Villars was born in 1652, and was a scion of an old family of the noblesse, which had held large domains in the fifteenth century, but had gradually fallen from its high estate. Pierre de Villars, his father, was an accomplished soldier, and filled great posts in the diplomatic service; but he had wasted a scanty patrimony in brilliant embassies; and, through the ill-will of Louvois, he was kept down at St. Germains, and left to pine in the cold shade of poverty. Young Villars was brought up in adversity; but its hard uses proved an advantage to him; they strengthened a self-confident and daring nature, and he tells us himself that he had resolved in his teens to open a way by his sword to fortune. Having been educated at the charge of the king, he entered the army at the age

eighteen, and he gradually attracted notice, and won distinction the great war which ended at the peace of Nimeguen. In this ntest, notable for the vast development of the military and naval rce of France, and for the last exhibition of the wonderful powers f Condé and Turenne in the field, Villars usually served in the anks of the cavalry, and became renowned, even among the youth f his order, for feats of extraordinary courage and daring. He was conspicuous in several mêlées of horsemen on battlefields of Flanders and Germany, more than once served on a forlorn hope, and was repeatedly seen in the deadly breach of fortresses stormed on the Meuse and the Rhine. He soon, however, began to give proof of faculties of a rarer kind than the impetuous valour which was the distinctive quality of the magnificent French noblesse of that age. His skill in reconnoitring and gaining intelligence, a precious acquisition for a great strategist, caused Turenne to mark him out for promotion, and it is singular that the renowned warrior, to whose genius each has borne ample testimony, gave Marlborough and Villars their first lessons in war, and probably saw both companions in arms. Villars, too, was praised by Condé at Seneffe, for his *coup d'œil* in detecting a move of the enemy; and, had his advice been followed before St. Omer, William III. would have suffered a great reverse. In this apprenticeship to war the future commander gained experience in one department of the art, which has remained a mystery to many a chief. Villars repeatedly served, as a volunteer, in the great sieges which marked this war, and he not only became a master of the science of the engineer, in the attack of fortresses, but thoroughly understood what ought to be obtained from a garrison in the defence of strong places. This knowledge was to prove of extreme importance in more than one passage of his career.

Villars, possibly through his father's influence, was sent on a diplomatic mission, to the court of Munich in 1683. The elector of Bavaria, Max Emmanuel, the colleague of Marsin on the field of Blenheim, was a kinsman of Louis XIV and the emperor; and each of these potentates sought his alliance in their protracted strife of hostile intrigues. Villars was ordered to make the elector overtures, which would have immensely increased his power; and, after the fashion of others in that age, the envoy of France, to effect his purpose, corrupted ministers, gained the ear of mistresses, and, in short, spared no effort to attain influence over a dissolute prince and his unworthy favourites. He was, however, not successful in these ignoble arts; he quarrelled with most of the chiefs of the court; and he was tricked and outwitted by the weak elector, for the moment devoted to the house of Austria. Max Emmanuel, flattered by a high command in the imperial armies, took Villars with him in the great crusade which followed the Turkish siege of

Vienna; and, on this occasion, the future chief of Denain made the acquaintance of the future chief of Turin, and became a lifelong friend of Eugene of Savoy. Villars witnessed the celebrated second battle of Mohacz, and, by his own account, had a great share in gaining the day for the arms of Christendom; but in this, as in other parts of his memoirs, he is too fond of singing his own praises; and his sketches of the imperial chiefs and their army are the most trustworthy of these passages. He was again in his proper place during the long war of 1688–97; and having served with distinction under Lorges and Luxembourg, attained the rank of lieutenant-general, and was placed in supreme command of the cavalry. In these campaigns he gave repeated proofs of the qualities which have made him renowned; he showed remarkable skill in the siege of Mons, and conducted in person the chief attack; he more than once disconcerted William III, whose character he has ably drawn; and he often displayed capacity of a rare order. It is singular that a general who, in after years, was compelled to adopt, against his will, this method, should have condemned the system of great defensive lines repeatedly tried in this contest: but, in truth, he always disliked operations of this kind; he failed in them, as we shall see hereafter; and soldiers of his type can never excel in the strategy of Wallenstein, of Daun, and of Wellington. Villars was even now the first of French chiefs; the war, in fact, which closed at the Peace of Ryswick, was not fruitful of great commanders; and he had fairly earned the staff of a marshal of France. But he had already exhibited the vexatious defects which kept him back in his career for years; he had made an enemy of the war minister; though apparently liked by Louis XIV, his quick temper and his habits of boasting were out of place in the circles of Versailles, and he was refused the promotion he had fairly deserved.

Villars had made many friends in the imperial court, owing probably to his conduct at Mohacz; and he was sent to Vienna in 1698 to watch events, and to obtain intelligence on the great question of the Spanish succession. Louis evidently did not open his mind to him for months after he had obtained this mission; and in truth his post was rather that of a high-placed spy than that of an accredited envoy. The king, however, made him at last aware of the treaty of partition with William III; and Villars did his best to persuade the emperor to accept that famous but shortlived compact. In this, however, he was working against the grain; he had been deceived by the Austrian statesmen, and had convinced himself that the true policy of France was to treat directly with the imperial cabinet; and he completely failed to effect his purpose. As was his wont, too, he had contrived to quarrel with more than one of the dignitaries of the court; and a breach of a

; matter of etiquette had brought on him a fit of furious passion, d almost caused him to quit Vienna. He was heartily glad Louis accepted the crown of Spain for the duke of Anjou; ough he declared that he had done wonders, his diplomacy gain proved bad, and he returned to Versailles almost in e. War with the empire had now begun; but Villars with ity obtained a post as a subordinate, under Catinat and y. He did not witness the first great movements in Italy, in marked by the splendid strategy of Eugene, in the hills of the and on the Adige—not unworthy of that of 1796–7—but he with distinction as a cavalry chief, in various affairs on the of the Mincio. He makes out in his memoirs that he restored aken moral power of the whole French army; but, as a : of fact, it lost the campaign: and what we gather most r from these vainglorious pages, is that Villars misunderstood aracter of the artful and plausible duke of Savoy, the most plished dissembler of the age.

e misfortunes of France in the campaign of 1702 placed s at last in independent command. By the autumn of the he war had begun to turn decidedly against Louis XIV, and h the great king that he was not invincible. Marlborough tered on his career in the Netherlands; Eugene, having struck Villeroy, was making head against Vendôme in Italy; disaster fallen the fleets of France and Spain; an imperial army had Landau, and was threatening the borders of Alsace; and it was shut up in Strasbourg, apparently unable to resist the r. At this conjuncture the Bavarian elector declared suddenly st the emperor, but he was isolated in the midst of foes on all and Louis wisely resolved to assist his ally. He gave Villars ief part of the army on the Rhine, with general directions to at he could to extricate the elector from his difficult strait: a few weeks a remarkable change had taken place in the opera- of the French. Deceiving Louis of Baden by a well-planned Villars moved from Strasbourg, and took the offensive; and g urged the elector to approach the Rhine, he bridged the at the forest of Hüningen, where the Alsatian frontier ap- hes Switzerland, and threw another bridge lower down at Neu-

The imperial chief hastened to arrest his progress: but s effected the passage under the eye of his enemy, leaving a derable detachment on his left at Neuenburg; and he fell boldly den near Friedlingen, though the hostile position was extremely . The French chief, leading his troops in person, with the ng ardour of his brilliant youth, seized a hill, which, he saw, anded the field; a sudden panic all but lost him the day; but cavalry charge in the adjoining plain at last secured him a ve victory. Louis of Baden fell back defeated and baffled; and

the French were once more across the Rhine, not far from the edge of the Black Forest, where the elector could easily join hands with them. The situation, in a word, had been transformed; and for this brilliant and important service, Villars received at last the coveted baton, and was placed on the roll of the marshals of France.

On this, as on more than one occasion, Villars had given a turn to the tide of fortune when it had been setting against his country. His conduct at Friedlingen had been very able; he had exhibited admirable insight and skill; but he had left a detachment at Neuenburg 'in the air;' and this, he almost admits, was a strategic error. The winter of 1702 was spent in strengthening the communications with the Rhine, and in protecting the frontier of Alsace; and, in the early spring of 1703, Villars had his army again on foot to invade Germany, and to aid the elector. His general plan was to advance into Swabia by the defiles of the valley of the Kinzig; but to accomplish this it was first necessary to master the important fortress of Kehl, which closed that avenue of attack from Alsace. He crossed the Rhine by his bridges at Neuburg and Hüningen; marching thence with great speed he passed under the guns of the powerful strongholds of Freiburg and Breisach; and he was in front of Kehl in the last days of February, having successfully eluded and surprised his enemies. Kehl was then a place of remarkable strength; it had been fortified, in the last war, by Vauban; and Villars received instructions from Versailles to begin a long and regular siege. But he was a man of genius, and was happily on the spot: well versed in the art of assailing fortresses he seized the opportunity of a fall in the Rhine, and skilfully took the defences in reverse; and he had conquered Kehl in a few days, having conducted one of the assaults in person, with characteristic daring and valour. After a delay of some weeks caused by want of supplies, and the privations of a campaign in winter, Villars set off on his arduous march; and he had soon entered the intricate region of mountain and woodland, which extends from the valley of the Rhine to that of the Danube. Murmurs and sounds of mutiny were heard in his camp; in fact, as he says, the French armies had become unaccustomed to great moves of war; and the troops which, forty years before, had joyfully followed Turenne to the Inn, were now afraid to lose sight of the Rhine. Villars, however, had the faculty of command, especially of commanding French soldiers; he appealed to their pride in well chosen words, and sternly made a few severe examples; and in a short time he had silenced complaints, and was in full march through the Black Forest. He had emerged from the defiles in the first days of May, and had joined the elector on the Swabian plains.

The state of affairs on the theatre of war, at this moment, gave an opportunity to a great commander of splendid promise. Louis of

Baden was still on the Rhine, held in check by Tallard, and many marches away from the Danube; the only hostile force, within reach of the allies, was a small contingent under a bad chief, Styrum, defeated by the elector a few weeks before; Eugene was outnumbered by Vendôme in Italy; and the valley of the Danube lay completely open. Villars seized the occasion with the eye of genius; and the project he formed, grand and simple alike, and perfectly feasible, was that of a great master. He proposed to extend his cavalry as far as Ulm, as though merely to give it repose, and, at the same time, to occupy Donauwörth, closing the passage of the Danube, should the margrave of Baden draw near; but his attitude was to be only defensive, as if he awaited an enemy from the Rhine. This movement, however, was to be a feint only, to mask and cover the real attack; the elector was to advance on Ratisbon, drawing together all his available forces; and having been joined there by a large French contingent, and by a detachment sent down the Inn, the collected array, 50,000 men, was to descend the Danube, to seize Linz and Passau, unfortified places at this period, and to move in irresistible strength on Vienna, for the time deprived of all means of defence. The presence of Villars, north of the Danube, and the possession by the allies of the river, would prevent Louis of Baden from making a serious diversion; and should Vienna fall, as was all but certain, France would dictate peace in the heart of the empire. The operation should have the support of Tallard, crossing into Swabia from the Rhine, and of Vendôme advancing from Italy; and it would receive powerful assistance from the revolt of Hungary, raging already from beyond the Theiss to the Danube.

This project of Villars was a great conception, the finest of any captain of the age; he had detected the fault in the cuirass of his foe with admirable insight and consummate skill; and he perfectly saw how to send the thrust home. Many years afterwards Eugene acknowledged that the march on Vienna must have succeeded; and, had it been achieved, a complete change might have taken place in the fortunes of Europe. The opportunity was, however, lost through a series of accidents for which Villars had in a large measure himself to blame. The elector had strong imperial sympathies; he did not wish to strike down his kinsman; and he was ruled by ministers and corrupt favourites, and by mistresses in the pay of Austrian statesmen. Villars, too, had made himself disagreeable; he had hinted that his host was a mere time-server, and he denounced his generals and the court at Munich as traitors to France and tools of Austria. The elector, already chafing at the scorn and bitter words of the incautious marshal, adopted a project proposed by Villars, as an alternative for his great plan, and which he thought might yet be consistent with it; he set off in June to invade Tyrol, Vendôme having promised to support the

movement by advancing from the Adige to the Brenner, and Tallard having been directed to march from the Rhine. By these operations Villars hoped that he would humour a reluctant ally, and be still in time to attain Vienna; and his anticipations might have proved correct, had he been seconded as he had a right to expect. The elector at first carried all before him; he mastered Innsbruck, and overran the Tyrol; but he was ere long surrounded by a great peasant rising; some fortified posts in his rear were abandoned; and he ultimately fell back almost completely routed. Meanwhile Vendôme, thinking of himself only, after the bad fashion common to French commanders, and sluggish by nature, though an able chief, had not even approached the hills; and Tallard had sat down to besiege Breisach, instead of threading the Black Forest and entering Swabia. By the middle of August the operation had failed; and the prospect of a march on Vienna, as the ultimate result, had become more than doubtful.

While these delays and false movements had been taking place, Louis of Baden, set free by Tallard, had abandoned the Rhine, had marched across the Franconian plains, to the Danube, and with an army largely reinforced, had joined hands with Styrum, and approached Villars. The marshal, encamped on the north of the river, was now inferior in strength to the enemy; but he maintained a daring offensive attitude; and he urged the elector to draw towards him, and, if possible, to fight a decisive battle. Baden, however, crossed the Danube and seized Augsburg, closing in the communications of the French with the Rhine, but separating himself from his supports and his colleague; and though Villars asserts that he urged the elector to take precautions against this stroke, he certainly seems to have been outmanœuvred. The marshal, leading part of his army south of the Danube, now sought an interview with his ally. Hard words and recriminations followed; but Villars quickly formed a daring resolve, to which the elector gave his assent for the moment. The French chief had never abandoned his plan; the Hungarian insurrection, now at its height, gave him an opportunity not to be missed, and though the margrave of Baden stood on the line of his retreat, he proposed to divide his own and the Bavarian forces, to hold Louis of Baden in check with a strong detachment, and to advance on Vienna with the two armies. This project was less promising than that of three months before; but it offered many chances of success, and had the elector kept to his word, the triumph of the French arms might have been complete. But Max Emmanuel was again won over by creatures in the pay of the empire; Villars, breaking out into a furious passion, denounced him as a traitor to the king, and, declaring that he would now take his own course, ably extricated himself from a position of danger. Dragging the elector, so to speak, in his wake, he advanced to the Danube to attack

Styrum, who, though isolated, had approached Donauwörth; and having crossed the river and effected his junction with the rest of his army on the northern bank, he fell on his enemy in the plains of Hochstedt, not far from the memorable field of Blenheim. The result of the battle was doubtful for a time, for a French division was prematurely engaged; but the Irish exiles distinguished themselves as was their wont; the Bavarian soldiery fought well; and Villars gained a brilliant if not a decisive victory.

It was now October. Tallard had made no sign; Styrum was in retreat to the upper Danube and seemed trying to join Louis of Baden, who had considerably increased his forces; and Villars, with a colleague whom he could not trust, was isolated in the midst of southern Germany. He reluctantly abandoned his great design, and wisely proposed to advance to the Iller, and to endeavour to reopen his communications with the Rhine, and perhaps to induce Tallard to give him support. The elector, however, refused to move, and insisted on going into winter quarters. A scene of bickering and passion followed: Villars declared that he would march on Memmingen; 'Max Emmanuel flung his hat and wig on the ground, and protested he had never received such treatment, no, not from the princely duke of Lorraine.' Both the furious disputants appealed to Versailles; the marshal offering to throw up his charge, and denouncing his ally and the chief men of Munich as swindlers, traitors, and falsehearted fools; the elector insisting that he would submit no longer to the insolence of a petulant braggart. Louis, unhappily for France, took Villars at his word, and superseded him by the incapable Marsin, after Villeroy the worst of the French chiefs; and the illustrious warrior returned in disgrace, condemned by the king and ridiculed at court as an intractable and vainglorious boaster. Vendôme and Tallard, who each felt that they had done nothing to assist Villars, maliciously joined in the chorus of censure; and it was forgotten that, even at the last moment, the marshal proposed to attack Baden, and but for the elector would have gained another victory. Villars chafed indignantly at these cabals and intrigues, and justly remarks that, if he had had his way, he would have finished the war in this campaign; and no doubt can exist that his famous project was a strategic masterpiece that ought not to have failed. Yet that it was frustrated was largely due to himself: his irritable and pugnacious temper made the elector ever at odds with him; and he had spared neither Vendôme nor Tallard in letters which probably went back to them. Marlborough might not, perhaps, have formed the design of marching on Vienna, and crushing the empire; but, had he formed it, he would have led his allies to yield to his will by his consummate tact; and this was one great difference between the two men.

Villars had no command in the campaign of 1704. He remained neglected at Versailles; but the king, who had always a sense of his merits, employed him in important service at home. The great Huguenot revolt of the Cevennes had been raging for many months; atrocious severity and cruel punishments had failed altogether to put it down; and the allies, searching every weak point in France, had promised the insurgents armed assistance. Louis sent Villars with full power to bring this dangerous state of things to an end; and the conduct of the marshal, at this crisis, forms not the least of his titles to renown. Like Turenne, Villars had protestant sympathies; like nearly all great soldiers, he was a humane man; and he had the scorn of genius for priestly oppression and for the extravagances of official zealots. Making a wise distinction, like Hoche afterwards, in the terrible struggle of La Vendée, he crushed rebels with arms in their hands; but he extended an amnesty to hunted peasants; and he repressed the savage curés and ignorant seigneurs, whose only thoughts were of blood and vengeance. He soon won over chiefs of the rising, especially the brilliant and bold Cavalier; and he devoted considerable sums to repairing the waste and ravage committed by a fierce soldiery, let loose by thoughtless and excited officers. By this admirable policy a war of religion, marked with the worst features of fanatical passion, was closed for a number of years at least; and Villars was hailed as the saviour of Languedoc by the states of the province in full assembly. He was engaged in these noble tasks when the news arrived of the terrible and overwhelming disaster of Blenheim, and his criticism on the battle deserves attention. He justly points out that the dispositions of Tallard and Marsin were essentially bad; and he remarks that Marlborough hit the blot in the defence, in attacking the extended and weak French centre. But what is of most permanent interest in these passages is the indignant censure pronounced by Villars on the surrender of the defeated French right. His observations, like those of Napoleon on the capitulation of Dupont at Bayle, should not be forgotten by the generation of Frenchmen which has witnessed the humiliations of Metz and Sedan.

Blenheim drove the French armies out of Germany, made Max Emmanuel a fugitive exile, and carried the war again to the front of France. Marlborough had prepared in the spring of 1705 to invade Lorraine from the Moselle and the Rhine, always the most vulnerable point of France, and Louis of Baden had pledged himself to second the movement. At this moment Landau, retaken by the French in 1702–3, had again fallen, and the Palatinate lay open to the allied armies. The situation, in fact, bore a strong resemblance to that of the belligerents in August 1870; but the course of events was completely different. Villars was placed again in supreme command, and his operations at this grave crisis were

those of a really great warrior. He knew that he would be largely inferior in force should Marlborough and Louis of Baden once unite, but he knew how worthless passive defence is, especially in the case of French soldiers (his remarks on this point are of sterling value); so he boldly assumed a daring offensive, struck the heads of the hostile columns with real effect, and then, at the approach of danger, deliberately fell back to a well-chosen position resting on the Moselle and the fortress of Sierck. This strategy was very different from the wretched attempt of Napoleon III. to threaten Saarbrück, followed by a frightened halt along an exposed frontier, and the result of the contest was as dissimilar. Marlborough broke up from Treves and approached Villars; his army was not more numerous than that of the French, as the marshal would have the reader believe, and he properly waited the coming of the margrave of Baden before making an offensive movement. The margrave, however—the cause is not known—refused to keep his word and to leave the Rhine, and Marlborough recoiled from the lines of Villars when made aware of their formidable strength. The invasion, in a word, completely failed, and, though Napoleon III. had not the fortune of Villars—for the crown prince of Prussia, unlike Louis of Baden, co-operated loyally with his colleagues—still the conduct of Villars contrasts most strikingly with that of the ill-fated emperor, and largely contributed to his success.[1] This was one of the achievements on which the marshal was accustomed to dwell with especial pride.

1706 and 1707 were years of increasing disasters for France. After repeated defeats, and the expulsion of Philip—still called by the allies the duke of Anjou—from the capital and the eastern provinces, Spain was practically reconquered for the king, by Berwick, next to Villars the first of the soldiers of France, and in virtue of Almanza, a lesser Ramillies, not unworthy of his renowned kinsman. But ruin seemed to lour on the Bourbon monarchy. Eugene, advancing up the Po, with extraordinary skill, routed Marsin and his colleague, the duke of Orleans, in a great battle which set Italy free; and after the decisive day of Turin, the Austrian eagles flew into Provence. The most crushing stroke, however, was struck in the Netherlands. The army of Villeroy was destroyed at Ramillies, and the standards of Marlborough, carried from the Meuse to the Scheldt, rose menacingly on the borders of Artois. France was in such straits as she had never been in since the days of St. Quentin and Pavia; and it seemed scarcely probable that she could make head for another year against the victorious allies. Villars during this period was in command on the frontier between the Moselle and the Rhine, and he still shed lustre on the

[1] Marlborough and Villars exchanged graceful courtesies in this passage of arms; and Villars would have us believe that Marlborough sent him a message complaining of the conduct of the margrave of Baden. This is very improbable.

arms of France, though misfortune elsewhere made his efforts fruitless. Teaching a severe lesson to the incapable Marsin, who declared the attempt absurd and hopeless, he drove the enemy out of Alsace, and in the following year he took the offensive and actually reached the heart of the empire, by the way usually followed by Turenne, across the Neckar to the Upper Danube. On this occasion he performed a feat considered in that age of extreme brilliancy. He turned by a feint the great lines of Stolhofen; but this war, marked by superior strategy, was to prove that, valuable as these defences have often been, they are generally in the long run liable to fall. His fine generalship, however, came to nothing; the army of Villars was weakened by repeated drafts, and it failed to achieve any real success. His complaints on the subject may not surprise us, but they betray the jealous selfishness and the disinclination to work together for a great common object, which have been besetting sins of many French chiefs.

Villars was despatched from Germany in 1708 to defend the frontiers of Provence, and Dauphiné. Eugene, after his victory at Turin, had besieged Toulon in the preceding year; but, as has always happened in the case of attacks on this side of France, the invasion had failed. The duke of Savoy, however, renewed the attempt in 1708 from the Piedmontese passes, and Villars found himself compelled with inferior forces to make head against the enemy. He manœuvred for some months in the long mountainous tract which extends from Mont Cenis to the sea, and on one occasion he had nearly caught the duke among the Alpine uplands of Mont Genèvre. But the cowardice of the commandant of Exiles—a celebrated place in the wars of those days—enabled the enemy to effect his escape. Villars has remarked that this was the conduct of too many chiefs of garrisons thoughout this contest. Since the perfection of the methods of attack by Vauban, it had, in fact, become an accepted maxim that a strong place when invested must fall; but Villars strongly condemned this notion. He knew what brave men behind walls can do, and, like Napoleon afterwards, he laid down the principle that a fortress should always stand an assault. The campaign was indecisive, but was strongly marked by the demoralisation of the French armies here and elsewhere. At the instance, however, of Louis XIV, the attention of Villars was largely directed to the conflict upon the verge of the Netherlands where Eugene and Marlborough went from triumph to triumph. France had made a colossal effort to defend this frontier, but the squabbles between Vendôme and the duke of Burgundy had led to the defeat of Oudenarde, and Berwick had not made the situation better. When the great stronghold of Lille was besieged, Villars seems to have correctly advised an attempt to strike the communications of the allies, and he justly remarks that,

but for the misconduct of Lamotte, the fortress would probably not have fallen. He is properly severe in his memoirs and letters on every one of the French chiefs.

After the loss of Lille, Villars was given the command of the army of the north. We have now reached the grandest part of his career, when he saved his country from destruction at hand, and changed a period of disaster into one of triumph. His project of 1703 proves that he was a true strategist; but his campaigns of 1709, 1710, 1711, 1712, show that he had every quality of a great captain, skill in defence, and upon the offensive, resolution, daring, and an heroic nature. He reached the frontier of Artois in the spring of 1709; and the prospect before him might have appalled even his courageous and sanguine heart. Marlborough, his power in England as yet unbroken, and Eugene directing the imperial armies, were at the head of largely superior forces supplied amply with requirements of war, and flushed with the pride of repeated victories; and the capture of Lille had made the allies masters of the tract between the heads of the Scheldt and the Lys, and had given them a solid base to invade France. On the other hand, Villars was all but destitute of resources necessary to take the field. He had an army, large in numbers indeed, but crowded with young and bad levies; a terrible dearth had left his camps and magazines almost without bread; a bankrupt treasury could not pay his troops; he was short of guns and of munitions of all kinds; and, in a word, he was in no state to confront his enemy. Despair, too, had fallen on the officers in command; the brilliant noblesse had lost heart; and Villars was repeatedly told in his tent, that, in the general ruin which seemed certain, an ignominious peace was the only hope for France.

It is at crises like these that a great captain proves his influence over the army he rules, especially over a French army, of all armies the quickest to understand genius. Villars received full powers from the king at Versailles; he took severe measures to obtain supplies; he seized horses and carts to move his artillery; he contrived to increase his guns in number; and in two months he was ready to move in the field. This shows administrative powers of uncommon order; but the capacity of Villars was even more conspicuous in restoring confidence to his enfeebled army. His general officers, indeed, remained demoralised; and he indignantly entreated the king to send a prince of the blood to co-operate with him, in inspiring the noblesse with a sense of duty. But he perfectly succeeded with the mass of the troops; the sensitive and gallant French nature drew hope and daring from the example he set; and it became a jest in his camp, 'Give us our daily bread, and we will show our father we know how to fight.' In June Marlborough and Eugene had debouched from Lille, at the head of

a force that seemed to defy resistance; and, as is well known Marlborough proposed to turn the line of the French fortresses by the coast, and to advance across the Somme to the capital. This project was rejected by the Dutch and Eugene, for what reason has not appeared; but it is very remarkable that this movement was precisely the one the marshal feared;[2] and this is significant of Marlborough's strategic gifts, which have been denied him by some critics. The allies had advanced, in an extended front, into the region of rivers, canals, and marshes, thickly strewn with a series of minor fortresses which spreads north of Arras between Béthune and Douay; and this was exactly what Villars wanted. He had covered this naturally difficult tract with defensive lines ever growing in strength; and he awaited the enemy behind this powerful barrier. It should, however, be specially noticed that though he was weaker in force than the allies, and though the fortunes of France were in his hands, he still eschewed the tactics of passive defence, a maxim from which he never receded. He used his entrenchments as a means of offence, and more than once he marched, as if to offer battle, in order to keep up the spirit of his troops. At this conjuncture too, a true test of the man, he advised Louis to reject the conditions of ignominy sought to be imposed on him.

The bold attitude of Villars gradually raised the spirits and hopes of desponding lieutenants. The king sent him the famous Maison du Roi; and as it was felt that decisive events were at hand, brilliant soldiers from every part of Europe flocked to the standards of the opposing armies. Boufflers came to support an heroic colleague; the Pretender was seen under the tent of Villars: the prince of Orange and several German princes held high command under Marlborough and Eugene; and the names of Münnich, of Maurice of Saxony, and of Schwerin appear upon the list of their officers. Before the summer had closed the army of Villars was a very different instrument of war from the 'armed mass of wretchedness' it had been; and this transformation was the work of its chief. The allies, having failed in their attack in front, turned to besiege the great stronghold of Tournay, one of the points on the Scheldt still held by France; and the place fell, after a brave resistance; the governor, however, if we may believe Villars, having been remiss in collecting supplies. Marlborough and Eugene having disposed of this obstacle, sat down before Mons and approached the Sambre, their object probably being to turn the French defences between the Lys and the Scheldt, and to master the heads of the Oise and

[2] Villars thought the allies would take Aire and St. Vénant, two small fortresses at the head of the Lys, and *ces deux places une fois en leur pouvoir, ils pouvoient aller prendre Abbeville*, se saisir de Boulogne, et mettre le royaume à contribution *jusqu'à Paris* (*Mémoires*, tome iii. p. 59).

Somme. Villars certainly feared a move of this kind. Early in September he advanced towards the fortress, 'resolved to fight if he saw a good chance;' and he found what he wanted in the tract of heathy plain and forest which stretches north of Malplaquet. He placed his army here, he tells us himself, 'to enable it to resist a more powerful enemy,' and the position he took was formidable in the extreme. His left wing rested in the wood of Taisnière, his right occupied that of Lanière, each approaching the other like a converging crescent; and his centre, filling the interval between, was covered with all kinds of natural obstacles. Villars strengthened these with redoubts, entrenchments, and batteries commanding vulnerable points; and his line has been compared to an 'infernal gulf, ready to belch out fire in all directions.' True, however, to the tactics he always adopted, he so arrayed his troops as to have them in hand to assume, when required, a bold offensive.

On 11 Sept. 1709, Eugene and Marlborough, having drawn off from Mons, attacked Villars in this position of vantage. The allied army was probably 100,000 strong; that of the marshal about 90,000; but the French army was much the weaker in guns; and though composed of soldiers of one race, was not to be compared with the formidable host of its enemies flushed with six years of victories. The position of Villars gave him his one chance of success, and he turned it to the best account, against his great adversaries. As he had expected, the fire of his batteries told heavily on the allied columns, as they entered the space between the two forests; but Eugene, making a movement to his right, outflanked by degrees the French left, and drove its advanced divisions out of the wood of Sart, at the extreme verge of the wood of Taisnière. Villars detached from his centre to support his left; and having led more than one charge in person, restored the battle in this direction, when he was suddenly called away to another part of the field, to make head against his most terrible foe. With that unerring insight which has never been surpassed, Marlborough had fallen in force on the weakened French centre; and it had begun gradually to yield to the pressure of the veteran British foot and horsemen, when Villars appeared to revive the hearts of his soldiery. At this moment, however, the marshal fell, his knee shattered by a musket shot; and it is impossible to doubt that this mischance gave the allied chiefs an immense advantage. The French centre, however, made a grand resistance; the Maison du Roi, and the Irish exiles fell furiously on the enemy, and twice drove him back; and though the entrenchments were at last won in part, the lines of Villars even here were not easily carried. Meanwhile the prince of Orange on Marlborough's left had recklessly attacked the French right; the strength of the position became but too manifest; and the Dutch troops were mown down, and slain in multitudes. The

battle was still raging, when an outflanking movement, directed by Eugene, began to threaten the already hard-pressed left of his enemy; Boufflers, who had assumed the command of the French, drew slowly off from the scene of carnage; but Villars—he had been taken to Quesnoy—exclaimed from 'a litter covered with captured standards,' that his army 'must at once fight again.'

The allies won Malplaquet, in a tactical sense, for the French retreated from the field, and Mons had ere long fallen. Yet the boast of Villars was perfectly true: this victory shattered the grand alliance; the Dutch troops were more than half destroyed; the whigs rapidly lost power in England; and Marlborough, if, as has been said, he fought to strengthen the hands of the war party at home, was baffled. Villars, though still suffering cruelly from his wound, was on the northern frontier in the spring of 1710; but the enemy, in his absence, had forced the lines, and had sat down before the strong place of Douay. In the two campaigns that followed, Marlborough and Villars had each his hands tied; for Marlborough knew that his power was vanishing, and Villars had orders not to risk a battle; and though Eugene thought only of war, the operations on both sides were really timid. Villars went on constructing new lines which gradually spread over an immense breadth, from the heads of the Sambre to the Canche;[3] but he repeatedly assumed an offensive attitude; he successfully defended the wide frontier extending from Arras, by Cambray, to Landrecies; and the capture of Béthune, St. Venant, and Aire[4]—Douay had fallen early in the year—small places round the heads of the Lys was his only loss in 1710. Next year he was opposed by Marlborough only; Eugene was gone, and the alliance was breaking up; but he was out-manœuvred by the renowned Englishman, though the incident has been unduly magnified. He held his lines, and even threatened Douay; Marlborough was beyond the Scarpe and threatened Sen and Arras; and Villars, history affirms, boasted that his enemy had reached his *ne plus ultra*. Marlborough, however, profited, with admirable skill, from a single false movement made by the marshal in sending a detachment too far to his right; deceiving his adversary by a series of feints, he marched rapidly in August, and turned the lines in the angle between the Scarpe and the Censée;[5] and Villars vainly attempted to lure him on to fight, with two rivers in h

[3] Marlborough, however, was not to be deceived by these demonstrations. H wrote of one of the most formidable: 'We shall have no action before the taking Douay; unless they act contrary to reason.' Curiously enough Villars wrote exact the same: *La vérité est que c'eût été une entreprise contraire à toute raison.*

[4] These operations indicate that Marlborough at least contemplated the possibili of advancing by the coast in 1711.

[5] The Memoirs of Villars are not trustworthy as regards these operations. H bitterly felt the loss of the lines and insinuates that the detachment was made again his will; but this is certainly incorrect.

rear, in the plains of Cambray.[6] The French chief had been fairly baffled; but Marlborough's success was only trifling; he merely took the insignificant place of Bouchain; and Villars insists that Marlborough would have failed in this had a French general officer done his duty.

The brilliant Frenchman in this passage of arms proved no match for the more profound Englishman. Yet though the turning the lines was a fine exploit, Villars need not have been stung to the quick by the jests of St. James's and Versailles. He has truly shown that defences of this kind will usually fall before a skilful enemy; and Torres Vedras may be no exception, for the position might have been turned by the extreme verge of the Tagus. The marshal might well look at these campaigns with pride: he had for months been unable to mount a horse; his army was often wretchedly supplied; and yet he had successfully made head against the first chief of Europe; and he had kept the enemy within Artois at the expense only of five or six fortresses. He had exhibited remarkable power in defence; he had also proved that he could be prudent; and fortune, true to genius, gave him his reward. Marlborough had been disgraced before 1712 opened; but Eugene had insisted on invading France; and he was in great force in spring on the northern frontier. As Marlborough had wished to turn the French fortresses by the coast, Eugene had a wholly different plan.[7] His object was to turn them by the heads of the Sambre; and when Quesnoy and Landrecies had fallen—these were the only obstacles in this direction—he had resolved to descend the open valley of the Oise, the traditional line of old Spanish invasion, and to push on in formidable strength to Paris. Quesnoy surrendered after a feeble defence; and when the prince had assailed Landrecies, his confidence and that of his troops was so high that his lines were named 'the way to the capital.' Eugene, however, daring but sometimes rash, had left his communications exposed, from his camp, about as far as the frontier; and Villars was a man of real genius, very different from the incapable chiefs of Turin. The marshal, in considerable force in the tract round Cambray, saw his opportunity and seized it at once; and his operations were those of a master of war. Giving out that he would relieve Landrecies, and concealing his mind to his own lieutenants, he moved towards the beleaguered fortress. He then countermarched at full speed by night, screening the movement with conspicuous

[6] Marlborough was far too judicious to run the risk. Villars does not conceal his vexation: *Le maréchal de Villars y marcha et se mit en bataille dans les plaines de Cambray, ne pouvant pas croire qu'un ennemi qui la lui avoit présentée manquoit l'occasion de la donner à terrain égal.*

[7] These passages of the war remain almost unexplained. But we know enough to perceive the divided counsels which have so often been fatal to a coalition.

skill; and he fell in full force on the communications of his foe at Denain, hard by the course of the Scheldt.[1] The result was like a stroke of magic; the troops defending Denain were cut to pieces; a powerful detachment hurried up by Eugene was driven into the Scheldt and destroyed; and Villars stood in triumph on the line of the retreat of his exasperated and defeated enemy. The whole invasion collapsed in an instant; the siege of Landrecies was quickly raised; the army of the prince with difficulty escaped; and before four months had passed every one of the fortresses, which had been the prizes of these campaigns, had fallen again into the marshal's hands. The success of Villars was admirable, complete and decisive. Denain, like Valmy and Zürich, saved France; like Marengo it sent her on the path of conquest.

Eugene, notwithstanding these crushing reverses, persuaded his master to continue the war. At the beginning, however, of 1713 England and the States had withdrawn from the contest; and France, bleeding and exhausted as she was, was more than a match for the ill-compacted Empire. Villars confronted Eugene on the Rhine. His memoirs are certainly not correct in stating that the prince was superior in force; he seems to have been in every respect inferior. The operations of the marshal exhibit the strategic gift and the daring energy which distinguished him through his glorious career. Eugene stood cautiously on the defensive, protected by lines known as those of Ettlingen, which covered the Rhenish frontier of Baden; and, from the outset, he was out-manœuvred. Villars crossed the Rhine and threatened the lines; Eugene drew troops from the strong places of Philippsburg; and upon this the marshal pounced on the fortress, and soon afterwards took the great stronghold of Landau. The course of the Rhine having been mastered, Villars resolved to strike a decisive stroke; he had never forgotten the project of 1703; and he determined to force the lines, to besiege Freiburg, and thence to make his way to the Upper Danube. The fine conception was admirably worked out; and, had the war been prolonged, Villars not improbably would have carried the Bourbon flag to Vienna. Deceiving the enemy by dexterous feints, he stormed the lines at a precipitous height, called the Rosskopf, by marches from Strasbourg—he had given a great ball to conceal his purpose—and he had soon sat down before Freiburg, the only obstacle to an advance through the Black Forest. The siege is remarkable for the severity shown by Villars, a chivalrous and humane man, towards the inhabitants of the town, apart from the citadel; but the truth is, he required the place; and the example

[1] The exclamation of Villars on this occasion is well known. A man of rou said that fascines should be made to fill up a wet ditch before Denain. 'Give me buff coat,' said the marshal, 'and follow me; the bodies of our men that fall will our only fascines.'

Wellington at Pamplona—not to speak of Cromwell at Wexford and Drogheda — completely justifies the French commander. Freiburg was surrendered towards the close of November. As Villars expected, the blow was decisive; the terrified emperor cried 'Hold, enough;' and Eugene made overtures for a lasting peace. The adversaries who, like brave men, had continued friends through the whole war, arranged the preliminaries at the well-known place of Rastadt; and the gigantic struggle, which had convulsed Europe, all but ruined France, and half destroyed Germany, was at last brought to an honourable close. That the Bourbon monarchy had not perished was probably due to the genius of Villars.

The marshal had now attained old age, but he was yet to live many years of honour. The king had already made him a duke and peer, and, after the death of Louis XIV, titles and dignities were lavished profusely on him. He was raised to the rank of marshal-general—a charge in abeyance since the death of Turenne. He was made governor of many cities and provinces, and he was for some time at the head of the council which directed the youth of Louis XV. He had earned these rewards, but we may, perhaps, regret that he enumerates them pompously in his memoirs. We miss here the quiet modesty of Turenne, and the simplicity and grand self-respect of Wellington. The old warrior belonged to the past: heroic, high-minded, and loyal in faith, he had nothing in common with the licentious roués and wits of the regency, and of the duke of Bourbon. He lived much to himself in his provincial governments, and he continued to be a butt at Versailles, where he was laughed at as the jealous husband of a brilliant wife, who was no *dévote*. The genius of Villars, however, shone out in full lustre on the edge of the grave—the light flared up before it sank in darkness. In 1733, when in his eighty-second year, he was given the command of a French army on the occasion of the war of the Polish succession, and he set off joyfully, having told the council that 'he would bring Italy back as a prize for the king.' His dispositions were able and profound; there are indications that, like Eugene and Bonaparte many years afterwards, he understood the strategic value of the Adige; but in 1733, as in 1703, he was crossed and baffled by inferior men, and he exhibited his old defects of temper. The last incident of his life in the field was striking; he was nearly surrounded by a hostile party, but Villars cut his way through with a handful of horsemen, to the astonishment alike of friend and foe. This, as he said, 'was his last spark.' He fell ill and died at Turin within three weeks after a feat of arms which recalls his brilliant and heroic youth. He was one of the most illustrious of the warriors of France, and though he was scarcely equal either to Turenne or Condé in his peculiar sphere, he combined in himself, in a very high degree, the great parts of both.

WILLIAM O'CONNOR MORRIS.

Notes and Documents.

A CHARTER OF HENRY I (1123).

A good illustration of the value of charters for chronological and biographical purposes is afforded by one which Henry I granted to the church of Exeter. It is printed in the 'Monasticon' under Plimpton, to the foundation of which priory it is asserted to have been preliminary. That foundation is assigned to 1121. The charter, however, is also found among those confirmed by Henry VIII (Confirmation Roll, 1 Hen. VIII, p. 5, No. 13), with a list of witnesses arranged in correct order; whereas the 'Monasticon' version is taken from the pleadings under Ric. II (Coram Rege, Hil. 2 Ric. II, Rot. 20, Devon), and records the witnesses in grievous disorder. The explanation of such disorder is that the clerk in the latter case was not familiar with the system on which the attestations to these charters were arranged, the names of the leading witnesses being placed in a line above the others. This will be made evident from the two lists of witnesses:—

Right Order.	*Wrong Order.*
King Henry	
Queen Adeliza	Queen Adeliza
William, archbishop of Canterbury	William, archbishop of Canterbury
Thurstan, archbishop of York	Robert, earl of Gloucester
Richard, bishop of London	Thurstan, archbishop of York
William, bishop of Winchester	William, earl of Surrey
Roger, bishop of Salisbury	Roger, bishop of Salisbury
Alexander, bishop of Lincoln	Roger, earl of Warwick
Evrard, bishop of Norwich	Alexander, bishop of Lincoln
Hervey, bishop of Ely	Robert, earl of Leicester
Ralf, bishop of Chichester	Evrard, bishop of Norwich
Ranulf, bishop of Durham	Hugh Bigot, *dapifer*
Robert, bishop of Coventry	Hervey, bishop of Ely
'Theold,' bishop of Worcester	William Pirou, *dapifer*
Bernard bishop of St. David's	Ralf, bishop of Chichester
Richard, bishop of Hereford	William d'Aubeny
Godfrey, bishop of Bath	Ranulf, bishop of Durham
Geoffrey the chancellor	Nigel d'Aubeny
Geoffrey, abbot of St. Peter's, Winchester	Robert, bishop of Coventry

Right Order.	*Wrong Order.*
Osbert, abbot of Tavistock	Richard fitz Baldwin
Thurstan, abbot of Sherborne	'Theold,' bishop of Worcester
Vincent, abbot of Abingdon	Baldwin de Redvers
Seffrid, abbot of Glastonbury	Bernard, bishop of St. David's
Robert, earl of Gloucester	Johel de Berdestaple
William, earl of Surrey	Richard, bishop of Hereford
David, earl of Huntingdon	Guy de Totness
Ranulf, earl of Chester	Godfrey, bishop of Bath
Roger, earl of Warwick	Robert de Cadentona (*sic*)
Robert, earl of Leicester	Geoffrey the chancellor
Hugh Bigot, *dapifer*	William fitz Odo
William de Pirou, *dapifer*	Geoffrey, abbot of St. Peter's, Winchester
William d'Aubeny	Goislin de Pomereda
Nigel d'Aubeny	Osbert, abbot of Tavistock
Richard fitz Baldwin	Rainald de Valle Torta
Baldwin de Redvers	Thurstan, abbot of Sherborne
Johel de Berdestaple	William fitz Richard
Guy de Totness	Vincent, abbot of Abingdon
Robert de 'Badentona'	Herbert de Alneto
William fitz Odo	Seffrid, abbot of Glastonbury
Goislin de Pomereda	Humfrey de Bohun
Rainald de Valle Torta	William, abbot of Cerne
William fitz Richard	Walter fitz Thurstan[1]
Herbert de Alneto	
Humfrey de Bohun	
Walter fitz Thurstan	

It is obvious that this charter was granted before the death of the bishop of Worcester (20 Oct. 1123), before the king's departure from England (June 1123), and before the accession of the earl of Huntingdon to the Scottish throne on his brother's death (25 April 1123). But it must be subsequent to the death of the previous chancellor, Ranulf (Christmas 1122), and to the appointment or consecration (February 1123) of Archbishop William. The narrow limit thus ascertained points to the Easter court of 1123 at Winchester, the great gathering of bishops and earls implying some such occasion. Easter fell, that year, on 15 April.

Now two sees had fallen vacant at the beginning of the year, those of Lincoln and of Bath. Lincoln was given to Alexander, whether at Easter (Winchester), as stated by Henry of Huntingdon, or in Lent, as asserted by the continuator of Florence; but he was not consecrated till 22 July. Bath was bestowed on Godfrey, whose consecration did not take place till 26 August, though Henry of Huntingdon assigns his appointment, like that of Alexander, to

[1] It will be observed that this list omits the bishops of London and Winchester and the earls of Huntingdon and Chester, but adds the abbot of Cerne.

Easter (Winchester). Both these bishops, it will be seen, attest the above charter, which proves that it cannot be earlier than Easter (15 April), while, from the presence of Earl David, it cannot be more than a fortnight later than Easter day. It is thus fixed to the Easter court at Winchester.

The first point to be observed is that these two bishops attest as such (not as 'elect') long before their consecration. As it is generally held that bishops never did so, this point is of importance (always assuming the accuracy of the evidence) for its bearing on other charters.[2] Secondly, four of the witnesses—the two archbishops, the bishop of St. David's, and the abbot of Glastonbury—are said by the continuator to have left for Rome after Alexander's appointment. From this charter it is clear that they did not leave till after Easter. The third point is that Earl Roger of Warwick had, at the date of this charter, succeeded his father, Henry.

Turning to Geoffrey the chancellor, we find in this charter perhaps his earliest appearance. Foss, in his useful work, is here a year out. He wrongly assigned the death of the preceding chancellor, Ranulf, to Christmas 1123, instead of Christmas 1122, and he assumed that our charter must be subsequent to Bishop Godfrey's consecration (26 Aug. 1123), and, in fact, that it belonged to 1124 (to which year he wrongly assigned the death of Bishop Theowulf). It is important for chronological purposes to date the change of chancellor correctly. I hope to determine, on another occasion, the date of Ranulf's accession to the post.

We have also in this charter one of the earliest attestations (according to my theory) of Robert as earl of Gloucester. It should be noted that he takes at once precedence of all other earls just as he had taken, before his elevation, precedence of all laymen under the rank of earl.

Of the barons most are familiar. Richard fitz Baldwin was the son and successor of the famous Baldwin of Exeter, and was, like him, sheriff of Devon. Baldwin de Redvers was the son of Richard de Redvers, and became subsequently first earl of Devon (the confusion of these two families, from the similarity of name, seems to be incorrigible).[3] The lords of the great honours of Barnstaple and Totness[4] are followed by Robert of Bampton, who had succeeded

[2] An excellent instance of this practice is found, ten years later, in the case of Bishop Nigel, who attested three charters in 1133, before the king's departure, as Bishop of Ely, though he was not consecrated till some months later. They are to be found in *Monasticon* vi. 1174, 1274, and that which granted the chamberlainship to Aubrey de Vere.

[3] It has found its way, under 'Baldwin,' into the *Dictionary of National Biography*.

[4] The *Guido de Totteneys* of this charter seems to be identical with the *Wido Nunant* of the charter granted by Henry II to this priory. This conjecture is confirmed by the entry in the Pipe Roll of 31 Hen. I:—'*Wido de Nunant reddit comp. X marcis pro concessinoe ferie de Totneis*' (p. 154). There is a story quoted by Dugd

the Domesday fief of Walter de Douai, and who, as I have shown (English Historical Review, v. 746), was afterwards a rebel against Stephen. Goislin de Pomerey was the heir of Ralf de Pomerey, the Domesday baron; and Reginald (Rainaldus) de Vautort was a great under-tenant of the honour of Mortain. J. H. Round.

CISTERCIAN STUDENTS AT OXFORD IN THE THIRTEENTH CENTURY.

The early history of the Cistercians at Oxford is of very little importance in the development of the university generally; as a new departure in the history of English monasticism it deserves more careful study than it has yet received.

The question whether Rewley Abbey was, or was not, a place of study, has not hitherto received an authoritative answer. Once only does Wood venture to call it 'a new studying place,' in what purports to be a quotation from the 'Annals of the Monastery of Brinton (?)'[1] The passage occurs in the 'Annals of Waverley' with an important difference: the words which Wood renders 'a new studying place' are in this contemporary Cistercian chronicle *novam abbatiam*.[2] Again the learned editor of the 'City of Oxford' adds a note to Wood's account of St. Bernard's College, that Rewley Abbey was 'a Cistercian monastery, and not a college for students from Cistercian monasteries elsewhere,'[3] a statement which requires some modification. The latest historian of Oxford supports the statement that 'the Cistercians themselves often described Rewley Abbey as "the place of study at Oxford,"' by a reference to the Annals of Dunstable, a house of Augustinian canons.[4] Conclusive evidence on the matter may be derived from the statutes of the general chapters of the Cistercian order,[5] a source of information neglected by Oxford historians. In 1280 the general chapter gratefully accepted the offer of Edmund of Cornwall, *propriis sumtibus aedificare studium nostri ordinis Oxoniae in Anglia*, and entrusted the execution of the business to the abbat of Thame; the *studium* was

under Totness priory, from the records of the abbey of Angers, that Juhel 'of Totness,' the Domesday baron, was expelled by William Rufus, and his lands given to Roger de Nunant. But it would seem that Juhel retained part as the honour of Barnstaple, while the Nunants held the rest as the honour of Totness. Indeed, he must still have held the whole so late as 1113, when, say the monks of Laon, '*venimus ad castrum, quod dicitur Bannistaplum, ubi manebat quidam princeps nomine Joellus de Totenes*' etc. (*Hermannus II*, 17), adding that they afterwards visited Totness '*praefati principis castrum*' (*ibid.* 18).

[1] *City of Oxford* (ed. Clark), ii. 295.

[2] *Annales Monast.* ii. 397.

[3] *City of Oxford*, ii. 305, note 8.

[4] Maxwell Lyte, *Oxford*, p. 102; he also refers to Dugdale's *Monast.* v. 697, 699; *i.e.* a note, without reference to authority, from Tanner's *Not. Monast.*

[5] *Selecta Statuta Capit. General. Ord. Cisterc.*, printed in Martène-Durand, *Thes. Nov. Anecdot.* iv. 1243–1646; *vide ad annos* 1280 (§ 20), 1281 (§§ 19, 31), 1282 (§ 2); cf. 1292 (§ 3), 1300 (§ 2), 1301 (§ 2); and for St. Bernard's, Oxford, *an.* 1482 (§ 1).

to enjoy the same privileges as the *studium B. Bernardi* at Paris enjoyed; the abbat of Thame was to have the care of the house as the abbat of Clairvaux had the care of the house at Paris. In the chapter of 1282 it was decreed that the 'scholars of the order studying at Oxford' should be entirely obedient to the abbat of the place: *in moribus autem et modo studendi . . . scholaribus apud S. Bernardum Parisius studentibus sint conformes: ad hospitalitatem vero ibi vel alibi in locis suis minime teneantur. Qui vero missi fuerint aliunde, sibi provideant in expensis.* Rewley then was founded as a monastic *studium* in connexion with the university, and was the first of the kind established in England. The document printed below throws some light on the institution ten years later. It is transcribed from Royal MS. 7 D. xv, fol. 64, in the British Museum, a volume dating for the most part from the early fourteenth century, and formerly in the possession of the Cistercian Abbey of Revesby. The new facts contained in the letter relate to the proportion of students sent from each monastery,[6] the amount of the *bursa* or exhibition of each student, and the unpopularity of the college among the Cistercian abbats. In connexion with the last point, we may—while remembering that ignorance and avarice were the faults with which the white monks were usually charged—recall the words of Matthew Paris on a similar occasion: in 1249 the Cistercians, that they might no longer be an object of contempt to the mendicant orders, obtained leave from the pope to establish a *studium* at Paris; *et sic propter mundi nequitias rigor ordinis monastici in parte est enervatus.*[7] The opposition of the English abbats seems to have been in the long run fatal to the success of the experiment. Oxford, indeed, is mentioned among the *studia generalia* of the order in the constitutions of Benedict XII (1334);[8] but Rewley Abbey never flourished as a house of students, and until St. Bernard's was founded, Cistercian monks lived 'separate and dispersed in divers inns and halls'[9] within the university.

A. G. Little.

Venerabilibus in Christo patribus dominis Cantuariensis provincie Cisterciensis ordinis Abbatibus universis et singulis Fratres P.[10] et A.[11] de Waverle et de Quarr' Abbates salutem in domino sempiternam. Noverit universitas vestra quod nos mandatum venerabilis patris Abbatis Cistercii nuper recepimus in hec verba: 'Venerabilibus in Christo carissimis coab-

[6] Cf. on this point Constitutions of Benedict XII, in *Regula, Constitutiones, &c. Ord. Cisterc.*, Antwerp, 1630 (p. 103).

[7] *Chronica Majora*, v. 79.

[8] *Regula, Constitutiones, &c. (ut supra)*: '*Exoniam* (sic) *Anglici, Scoti, Vallenses, et Hibernici destinentur.*'

[9] Wood, *City of Oxford*, ii. 306.

[10] Philip de Bedwinde; *Monast. Angl.* v. 240.

[11] Adam was abbat of Quarr in 1284; *Catalogue of Ancient Deeds*, B, p. 686.

batibus suis de Waverle et de Quarr' in Anglia Frater Thomas [12] dictus Abbas Cistercii salutem et sinceram in domino caritatem. Cum nobis auctoritate capituli generalis sit commissum de studiis et studentibus ordinis ordinare, Abbates nolentes studentes ad studium mittere per censuram ordinis compellere; quia ubique terrarum propter locorum distanciam personaliter accedere non valemus, vobis duobus et cuilibet in solidum auctoritate capituli generalis nobis in hac parte concessa committimus, quatinus Abbates nostri ordinis in Cantuariensi provincia constitutos,[13] qui scolares suos ad studium Oxonie hactenus mittere neglexerunt, et illos qui missos proficientes revocaverint, compellere per censuram ordinis studeatis ut illi qui habent viginti monachos et supra unum mittant ad studium cum bursa integra lx s sterlingorum, sicut a generali capitulo extitit ordinatum: nolentes autem mittere et proficientes revocantes nobis per litteras vestras [14] patentes rescribentes ad generalis capituli arbitrium puniendos; tantumque super hoc facientes, alter alterum non expectans, quod a generali capitulo non possitis de negligencia merito redargui vel puniri. Datum in Cistercio tempore capituli generalis Anno Domini M°CC° Nonagesimo Secundo.' Nos igitur huiusmodi auctoritate mandati vobis universis et singulis firmiter iniungendo mandamus, quatinus secundum vim et effectum huius mandati nihil de contingentibus mittendo monachos vestros ad dictum studium Oxon' ea qua detur celeritate transmittere nullatenus omittatis; alioquin inobedientes et rebelles, prout nobis [15] est iniunctum, memorato venerabili abbati patri absque dubio rescribemus. In cuius rei testimonium nos Abbates de Waverle [16] presentibus apposuimus sigillum nostrum.

SERMONS FOR THE FESTIVALS OF ST. THOMAS BECKET, ETC. PROBABLY BY ARCHBISHOP STRATFORD.

The following extracts are from a manuscript in the library of Hereford cathedral, written in the fourteenth century, in a large and good hand, in double columns. The volume contains, in the first place, the treatise of Hugh of St. Victor, 'De claustro animæ,' and then follows a series of anonymous sermons preached in England on various occasions of the administration of episcopal functions, on the festival days of Becket, and at a few other times. The period is found to be that of the reign of Edward III, and the internal evidence afforded by a sermon respecting the preacher's own trials and his sorrow for faint-heartedly fleeing from enemies, points to the authorship of archbishop John Stratford. It was in 1341 that he fell into disgrace with the king for not, in his capacity as chancellor and president of the council, keeping him sufficiently supplied with money during the campaign in France in that year, whereby the king was unwillingly compelled to sign a truce.

[12] Theobald de Sansiaco was abbat of Citeaux at this time; Sainte Marthe, *Gallia Christiana*, tom. iv.

[13] MS. *constitutis*.

[14] MS. *nostras*.

[15] MS. *vobis*.

[16] *Et Quarr'* omitted in MS.

The archbishop was vehemently denounced by the king as unfaithful in a letter directed to the dean and chapter of St. Paul's for publication by them, which is found in Robert Avesbury's chronicle, and charges were formulated against him; but he retired to Canterbury as to a sanctuary for protection. The sermon is throughout a penitential palinode for having thus timorously withdrawn himself, and was evidently preached before the monks at Canterbury.

While all the sermons possess interest as specimens of episcopal homiletics, those for the Becket commemorations are specially noticeable for the particulars they give of his murder and their quotations from several writers. The reason (found in a life of Becket preserved at Oseney abbey) alleged for the murder by one of the murderers, Richard Brito, does not appear to be mentioned elsewhere, viz. Becket's hindering Earl William, brother of Henry II, from marrying the countess Warren; it is not found in Robertson's copious 'Materials for the History of Becket.' The vigour and vehemence which animate Stratford's discourses on this subject, and the extreme length at which he treats of it, are very likely owing to his having had some fear of incurring a like fate; for the king, in his above-mentioned letter, charges him with causelessly alleging that he was in danger of assassination.

Ipse vero, semper tumidus in prosperis et timidus in adversis, trepidans timore ubi non erat timor, mortis sibi periculum per aliquos nobis assistentes intentatum et comminatum si ab ecclesia Cantuariae recederet imminere minus veraciter allegavit.

Attracted on a casual inspection of the sermons by their historical character, I made these extracts last year, and now think that they will be deemed worth notice by the readers of the REVIEW.

W. D. MACRAY.

SERMONES:—The first is *De Sancto Spiritu* on Acts x., beginning 'Sicut ex diversis Sacrae Scripturae sententiis.'

Amongst others are these:—

De reconciliatione ecclesiae; after bloodshedding.

In visitatione civitatis.

In visitationibus [cleri]; five sermons.

In celebratione ordinum; three sermons.

Sermo pro salute Regis; evidently Edward III in 1336, when he was in Scotland with his brother John of Eltham, earl of Cornwall, who died at St. John's [Perth] in that year. That year was also a year of great scarcity and mortality as the preacher notes. 'Certe credimus quod hodie dedit nobis Deus regem qui pugnat bella nostra pro nobis et Deus pro eo. Ipse enim pro populo suo et ecclesia Dei non solum pecuniam et temporalia effundit, sed ad modum Christi morti et omni periculo corpus suum exponit, fratrem, notos et amicos. . . . Et certe in casu isto iustam habet pugnae causam. Tres enim sunt causae iustae pugnae, pro fide

pro iure, et pro patria. Quae quasi omnes causae si bene considerentur, locum habent in facto Scotiae, sicut illi qui veritatem sciunt plenius possunt enarrare. Domino igitur rege in guerra tali in yeme, in tanta tempestate, frigore et miseria, pro defensione nostra exeunte, quid dicent sedentes in domo sua iuxta ollas carnium, in patriam dominantes, quin potius debachantes et malos manutenentes, furta, homicidia, viduarum et virginum raptus, pacem populi et domini nostri regis, qui tanta pro nobis indies sustinent, infringentes. Certe illi sunt regis peiores inimici quam Scoti, quia illi extranei et ante faciem, isti domestici et a tergo. . . . Carissimi, exigentibus meritis nostris, contingit sterilitas terrae, et pestilentiæ (*sic*), blada tempestatibus consumuntur, messis aliquando immatura colligitur, animalia moriuntur. Gravia sunt haec.'

Sermo pro iudicibus et advocatis.

In congregatione praelatorum.

Ad impetrandum subsidium orationum in tribulationibus et persecutionibus. 'Ista est mea necessitas, in qua positus vestrum peto iuvamen et auxilium, dicens, *Iuvetis me*, etc. . . . Unde dicere possum quod scribitur Dan. xlii (*sic*), advenerunt peccata tua quae operabaris prius, non considerando gratiam mihi datam, sed Factorem meum derelinquendo et mundanis inhaerendo. . . . Certe qualiscunque ante hoc tempus fuero, nunc per Dei gratiam poeniteo. Iuvetis ergo, si placet, meam poenitentiam ut ad divinam pervenire potero misericordiam, tribulationes patienter sustinendo, per quas, sicut dictum est, peccata dimittuntur. . . . Ad quem effectum? Ut det mihi [Deus] temporalia vel conservet? Certe non. Sed . . . ut liberer ab infidelibus. Cum enim infidelitatem detegere vellemus ut veritas appareret, infideles insidiati sunt nobis. . . . Iuvetis me in orationibus vestris, ut pastoris officium quod ante haec tempora male dereliqui . . . illud valeam sic assumere et exercere quod sit ad honorem Dei et salvationem animarum.'

Infesto S. Thomae martiris [on the text, 'Cecidit corona capitis nostri']. Sixteen folio leaves.

. . . Certum est enim iste pro fide moreretur qui pro tam parva causa mortuus est. Cum ergo martirium est quoddam testimonium, maior causa martirii fuit in Thoma quam in alio qui pro sola fide mortuus est. Et notandum quod in hoc eliditur opinio Willelmi de Malmesbiri, canonici de Novo Burgo.[1] Iste enim, licet Thomam gloriosum reputaverit, tamen causam sui martirii non potuit approbare, unde in libro secundo de gestis Anglorum quem scripsit ponit aliquas rationes ad hoc. Dicit enim Thomam habuisse zelum legis sed non secundum scientiam, sicut apostolus dicit, Roman. x., de quibusdam quod emulationem Dei habent non secundum scientiam. Iudicat enim iste quod ex contradictione qua contradixit Regi nulla potuit pervenire utilitas, nisi quod accenderetur furor regius: ideo causam suam non laudat, licet zelum viri commendet. Iste ponit exemplum ad hoc. Dicit enim, sicut in Petro iam apicem apostolorum tenente non fuit laudabile set certe reprehensibile quod gentes suo exemplo iudaizare coegit, de quo Paulus eum reprehendit, ad Gal. 2, et tamen

[1] It is singular that the writer should confound these two historians. The first passage cited is in book ii. chap. xvi. of Newburgh's *Historia*, and the second in chap. xxv.

constat Petrum hoc fecisse laudabili pietate. Postea adducit iste exemplum beati Gregorii, dicens, Puto, inquit, quod beatissimus papa Gregorius in molli et tenera Regis concordia certe mitius fecisset,[2] et ea quae sine fidei Christianae periculo tolerari potuissent ratione temporis et compensatione pacis dissimulanda duxisset. Postea iste adducit auctoritatem Amos prophetae qui sic dicit cap. 4, Vir prudens in tempore illo tacebit quia tempus malum est. Hoc allegat ille Willelmus. Set ista opinio in veritate adinventa fuit secundum sapientiam huius mundi quam Deus infatuavit, quia non Pater celestis set caro et sanguis eam proculdubio revelavit . . . quod, si iste ita sentiat de Thoma quod in contradicendo Regi peccavit et reprehensibiliter egit, praesumptuose mortuus est, et non fuit per consequens martir nec sanctus; et qui hoc dicit blasphemus est. . . . Postea notandum est quod ista causa martirii Thomae, cui detrahitur tam frequenter, confirmatur per auctoritatem beati Anselmi praedecessoris Thomae in simili.' [The writer then refers to Anselm's reply to Lanfranc about the martyrdom of St. Elphege.]

'Praeterea ostendo quod maior fuit secundum hoc causa martirii in Thoma quam in Iohanne [Baptista], salva semper maiori sanctitate Iohannis quam Thomae. Legi enim *in quodam libro conscripto de vita sua apud Oseneyam* quod cum unus militum interficientium ipsum, cui nomen Ricardus Brito, percussisset eum in capite tam valide quod ensis frangebatur contra pavimentum, dicebat, insultando sancto Thomae, Hoc habeas pro amore domini mei Willelmi fratris Regis. Iste enim Willelmus frater Regis Henrici et filius Matildis Imperatricis appetiverat coniugium Comitissae Warannae, set contradixerat archiepiscopus, et hoc quia Comes Warannae qui primo duxerat eam erat filius Regis Stephani. Stephanus autem et Matildis erant consobrini, illa genita de fratre Henrico, scilicet primo Rege Angliae; et ille Stephanus natus de sorore Henrici primi, et per consequens iste Comes Warannae et Willelmus frater Regis de quo est sermo erant filii consobrinorum, et ideo non licuit uni accipere in coniugem relictam alterius; et quia hoc fieri Thomas prohibuit, miles ille sicut dictum est percussit.[3] Et si istud quidem sit verum [sicut] est in illo libro inventum, pro certo est valde notandum ad propositum. Maior enim causa in hoc martirii fuit in Thoma quam in Johanne, salva semper maiori sanctitate Iohannis. . . . Haec pro tanto dixi diffusius de causa martirii Thomae, quia multi solent detrahere loquendo, scribendo, et publice praedicando. . . . Secundo dico quod corona regalis cecidit et confracta fuit occasione istius coronae amputatae, quod sic patet. Intelligendum est tempore Regis Henrici secundi cujus milites Thomam interfecerunt, potestas et dominium regni Angliae erant amplissima. Nam et iste Henricus ducatum Aquitanniae adquisivit; idem etiam Hiberniam et regnum illius adquisivit. Erat etiam dominus principalis Scotiae, cui Rex Willelmus Scotus de terra sua Scotiae fecerat homagium. Ergo dominium suum extendebat se a fine terrae usque versus aquilonem et a finibus terrae versus occidentem pro Hibernia usque ad finem Europae a parte meridiei, scilicet usque ad montes Pirenos in confinio Europae et Affricae. Sed occasione facti Sancti Thomae, ut puto probabiliter, totum hoc dominium regni et coronae Anglicanae fuit

[2] *In marg.* egisset; which is Newburgh's word.

[3] This account is repeated in the sermon for the day of the Translation of Becket.

confractum et diminutum fere usque ad medium tempore Iohannis Regis filii istius Henrici, et hoc iusto Dei iudicio licet nobis occulto. . . . Rex ille Henricus supra modum poenituit et graviter se punivit. Mirabilem enim poenitentiam narrat Willelmus de Malmesbiry,[4] quod ipse dorso nudato et ad humum provoluto recepit verbera disciplinae a quolibet monacho ecclesiae Cantuariensis. Ipse enim virgam manu gestabat, et circuibat in capitulo ad singulos monachos et virgam sibi tradidit, et ab eodem verberari petivit; quod et factum est modo supradicto. . . . Quot sunt modo divites et magnates qui ornant sepulchrum Thomae auro et argento et lapidibus preciosis, et dicunt, Si fuissemus sicud in diebus patrum nostrorum non fuissemus socii eorum in sanguine hujus martiris! . . . Certe et isti sunt filii eorum qui interfecerunt Thomam, et imitatores paterni sceleris. . . . Si quis enim inspiciat statuta edita apud Clarendonam pro quibus Thomas passus fuit, inveniet quod nostris temporibus sunt consuetudines multo deteriores quas exercent principes saeculares, et magis iniuriosae, quam fuerunt illa de Clarendon quae patres nostri statuerunt et observare voluerunt nisi Thomas restitisset. . . . [The book by abbot Joachim 'de Flore in Calabria,' entitled *De oneribus prophetarum*, is here quoted.]

. . . Quid ergo mirum si milites nostri passi sunt confusionem et ignominiam in die sancti Iohannis Baptistae, et hoc a gente quam pro nichilo habebant, scil. a Scotis?[5]

A quotation follows from the beginning of Book vi of Henry of Huntingdon. Afterwards comes the following specimen of word-play to the effect that St. Thomas suffered in all the six grammatical cases.

Passus est primo secundum casum nominativum. Ipse enim certando pro iustitia cecidit a nomine, et factus est ignominiosus sine nomine cum prius fuisset nominatissimus. Nam non solum aulici et regales set et clerus et praelati totum factum suum imputabant non iustitiae nec constantiae vel virtuti set magis superbiae, protervitati et arrogantiae, et talem ipsum nominabant, cum tamen ipse nichil horum conscius sibi fuisset. Et certa valde acerba passio est cadere a bono nomine. . . . Secundo, passus est in casu genitivo. Nonne tota generatio sua utriusque sexus, iuvenes, senes, et similiter mulieres puerperio decubantes erant proscriptae (*sic*) et in exilium similiter relegati, et iuramento astricti quod ad archiepiscopum irent ut suum animum contristarent et ad votum Regis flecterent? Et sic egressi sunt de natali solo bonis suis privati, et a suis amicis et benivolis elongati; et tam inanis persecutio non fuit audita a saeculo. O quam sagax fuit diabolus qui docuit Regem temptare sanctum Dei illo modo! Bene enim scivit ille antiquus serpens quod sacerdotes et pontifices tenerius afficiuntur erga suos alumpnos et consanguineos quam alii. . . . Tertio, passus est secundum casum dativum. Rex non permisit quod aliquid ei daretur, unde per literas comminatiorias missas per Regem abbati et capitulo Cisterciensi remotus fuit a Pontiniaco, et quicunque ei aliquid dabat hostis publicus habebatur. Quarto, passus est per casum accusativum, quia apud Norhampton accusabatur de multis: de contemptu regiae magestatis quod ad vocationem eius non venit in propria persona; accusabatur et de restitutione mutui, de redditione ratiocinii, de proditione regis et

[4] Will. of Newburgh, ii. 35.

[5] Referring to the battle of Bannockburn.

regni. Quinto, decimo secundum casum vocativum, nam non solum regales immo pontifices sui suffraganei sibi insultabant, vocando eum periurum et prodictorem. unde Londin. episcopus Gilbertus dixit ei in publico apud Northampton. 'Stulte hactenus fuisti et ab hac stultitia, ut video, de caetero non recedes.' Item Hillarius Cicestrensis vocavit eum periurum ibidem, unde dixit. 'Quondam noster fuisti archiepiscopus et tenebamur tibi obedire: sed modo te rem periurii dicimus, et periuro archiepiscopo de caetero nec tenemur nec volumus obedire.' Postea idem Hillarius coram Papa vocavit eum impium, narrans enim de fuga eius de Norhampton allegavit illud. Prov. 28. 'Fugit impius nemine persequente.' Item, sexto, passus est secundum casum ablativum. Auferebatur ab eo subsidium temporale, privabatur bonis suis, et similiter subsidium spirituale prohibitum fuit, ne pro eo oraret, quod tamen pro hereticis et cismaticis fieri consuevit. Tandem ablata fuit sibi vita, et tunc cecidit in mortem.

Here is another specimen of word-play:—

Thomas quasi *totus Mars*. Mars autem inter planetas signat super bella et certamina. Unde omnis eius actus convocabilis contingit in die Martis. A Norhamptona recessit die Martis. In transmarinis applicuit. Item in die Martis in Angliam rediit. Die Martis gladio occubuit. Ergo totus erat Mars, totus bellicosus, et ideo Thomas dictus. Legi in quodam libro de vita sua apud Eboracum quod ipse fuit natus in die S. Thomae Apostoli, ante Natale per 5 dies, et quinto die post Natale mortuus erat. . . . Cum Christus fuit natus in medio terrae unus istorum militum Christ missus est a latere Christi ad extremum terrae versus orientem, puto ac Indiam, scilicet Thomas Didimus. Alter ex alio latere ad extremun occidentis quasi ad Angliam, Thomas Cantuariensis. Et sicut Thoma dixit, 'Domine, quo vis mitte me praeterquam ad Indos,' ita certe potui dixisse Thomas noster, 'Domine, quo vis mitte me praeterquam a Anglos.' Angli enim, licet Christiani, multo crudeliores erant erg Thomam Cantuariensem quam Indi, quamvis infideles, contra Thoma Didimum . . . Certe Thomas talem habuit ingressum in archiepiscop tum qualem alii ante eum, etiam magni et sancti viri, habuerunt, sicu Anselmus, Lanfrancus. Nam tunc fuit consuetudo Regum Angliae qu dabant episcopatus vacantes quibus vellent, et si fiebat electio fiebat capella Regis ipso Rege praesente cum aliis per eum vocatis, et reput batur tunc temporis talis ingressus satis canonicus et legitimus. S Thomas istam consuetudinem in humili resignatione quam fecit in man papae de caetero abrogavit, in quo summe promovit Romanam et tota visibilem ecclesiam quantum ad illam libertatem. Ego puto quod si mo esset in regno Angliae talis consuetudo quod per illum modum episc crearentur, non de facili aboleretur per potestatem summi pontificis. S nec collationes ecclesiarum parochialium auferri poterunt a manil laicorum. Et quidem cum Iohannes Rex apud Norhampton arguere per legatos Papae quod usurpavit super libertatem Romanae eccles conferre episcopatus, ipse respondendo allegavit consuetudinem suor progenitorum tam Anglorum quam Normannorum. Allegavit er quomodo sanctus Edwardus contulit episcopatum Wygorniensem san Wlstano, et quomodo postea Willelmus dux Normannorum et Rex Ang

voluit eum amovisse quia nesciverit Gallicum, sed postea eum in pace dimisit. Item quomodo idem Willelmus deposito Stigando Cantuar. episcopo contulit archiepiscopatum Lanfranco abbati de Cadumo, natione Lumbardo. Item quomodo pater suus Henricus secundus contulerat archiepiscopatum Cantuar. sancto Thomae. Ad haec omnia respondit legatus nomine Pandulphus quod illa consuetudo fuit abolita per sanctum Thomam Cantuariensem quando resignavit in manus Papae totum suum ius quod habuit, et ex eo tempore facta est Romana ecclesia omnium aliarum huius regni domina ac magistra. . . . Item iste Thomas caput nostrum est specialiter clericorum. Nullus enim sanctorum talis erat protector clericorum sicut Thomas. Clerici venerantur specialiter sanctum Nicholaum prae aliis pontificibus sanctis, ut Martino, Augustino, Hillario, Gregorio, cuius causam aliam nescio nisi quia in vita sua legitur quod tres clericos morti addictos liberavit a morte. Sed certe Thomas mille, immo decem mille, clericos morti addiscendos a morte per suam mortem liberavit. Haec enim fuit causa praecipua suae passionis quia contradixit Regi volenti statuisse quod clerici in criminibus deprehensi subiacerent saeculari potestati quantum ad vitam et membra. Ergo cum ipse hoc prohibuit, proprie dicitur noster, id est, clericorum, quorum erat summus et praecipuus protector.'

Sermo in Translatione S. Thomae archiep.; on the words 'Fide Enoch translatus est.' Six folios.

. . . Habuit fidem pro fundo absque dubio. Licet enim semel ceciderit Clarendon. sicut beatus Petrus in Christi passione, tamen ita fortis surrexit quod postea absque aliquali fictione immobilis permansit. Apud Clarendon, super articulis ecclesiasticae libertati contrariis annuit regiae voluntati; sed a suis reprehensus, quorum unus clericus sibi dicebat, 'Quid sibi retinuit qui conscientiam perdidit et famam?' de eo quod cecidit fortiter poenituit, et seipsum suspendit a divinis quousque per sedem apostolicam beneficium absolutionis meruerat optinere . . . Per fidem insuper erexit vexillum regium, cepit urbem, immo orbem. Ipse enim praesens fuit in praelio, signo crucis praecedente, quam portavit quidam clericus, Edwardus Grym nomine, cujus brachium in primo ictu martiris fuit vulneratum . . . Et hic de eius continentia narrari potest de muliere de Staunford, libro 1. de vita sua, cap. iiii. . . . Fuit etiam noster Thomas Sectus iuxta nomen suum in sustinentia sive poena corporali . . . Et bene potest dici Sectus, quia sectus a cognatione, a terrenorum possessione, sectus in capite quando cecidit corona capitis nostri.

Lastly come two sermons, *In congregatione prelatorum et cleri.*

A LETTER FROM ANTONIO DE GUARAS TO THE IRISH REBELS.

Since the publication of my edition of the narrative of Queen Mary's accession by Antonio de Guaras, reviewed in the English Historical Review for October, the Rev. Nicholas Pocock has drawn my attention to a letter in the state paper office written by Guaras from London

to the Irish chieftains in Ulster, calendared by Mr. W. D. Hamilton among the official records relating to Ireland. Mr. G. F. Handcock, of the record office, has obliged me with a copy of this document, which seems to deserve publication. It illustrates Guaras's activity in intrigue against Elizabeth, and also the accuracy of his information, as he is able to state beforehand the exact date of Essex's expedition against Clandeboye. This proves the letter to have been written in 1573, as suggested by Mr. Hamilton. R. GARNETT.

State Papers, Ireland, Elizabeth, 1573, *vol.* 40, *No.* 80.

Vestris excellentiis salutem plurimam dico. Studio et officio singulari erga uos cõmotus maxime deplorans conditiones uestras propter tumultus uestros contra vos habitos per infideles homines et populum a Deo abhorrentem: persuasum mihi fuit subuenire istis infirmitatibus vestris non solum consilio meo uerum etiam pecunia et auxilio meo quantum potuerim. Istum generosum catholicũ prudentem, fidelem & ualentem mitto ad uos qui suo nomine dictus est Rowlandus Turnerus qui potest mederi et sanare vulnera uestra, qui non recusabit pecunias suas summo uite periculo et discrimine causa uestra exponere atque effundere grauissimos labores et itinera suscipiens ad reges nobilissimos catholicos Reges Portugaliæ et Hispaniæ presidiũ petens ab eis in salutem vestram qui ista tempestate habet bene et splendidissime ornatos in Anglia quingentesimos milites homines fortissimos et ualentes, qui adducet eos ad vos et lege et condicione promiseritis me et eum per sacramentũ eos bene tractato esse et profiteri vos regibus istis fideles atque constantes catholicos ips reddet salutem vestram iam desperatam et turbulentam pacificam e tranquillam dabit uobis sub auxilio suo et meo honorabilem libertate et pacem in Hibernia sempiternam et perennem supplantabit inimico vestros penitus, et destruet eos cum copia sua et auxilio nostro consili meum est in unũ concordari minimeque deflectere istis seditiosis hominibu qui enituntur in seruitutem vos attrahere. Scripsi per postũ ad Duce de Alua, ad Ducem de Medina cœli in Flandriam ad Magistrũ meũ Rege Philippum Regũ nobilissimũ catholicũ Hispaniæ vestrarũ excellentiar studiosissimũ et cupidissimũ. Consiliũ meũ est in vnũ consultare atq concordare scribentes literas uestras ad Regem Philippũ ad Ducem Alua, ad Ducem de Medina cœli, ad Comitem Westmerlandiæ, Anglu ad Dominũ Dacars ad uxorem Comitis Northumbriæ defuncti, qui omn vestram incolumitatem honorem et splendorem cupiunt et gratulant Per istũ catholicũ seruũ Regis Hispaniæ quem consulo vos habere sumo honore in sũma dignitate et pretio ob uirtutem illius ius vest vi et armis defendet. Comes Essexiæ venit in Clandiboye et in il partibus vicesimo mensis Julii cum tribus millia hominũ contra vos exterminandum vos penitus ex patria vestra ipse[1] omnia vobis explana et eat sub auxilio vestro in Scotiam, et sic in Flandriam.

Vestrarũ excellentiarũ cupidissimus

ANTHONIUS DE GUARAS

[1] *i.e.* Rowland Turner.

THE DEFENCE OF JALALABAD.

The account of the defence of Jalalabad [1] and of the discussions in the councils of war assembled there as told in the 'Career of Major George Broadfoot, C.B.,[2]' differing as it did materially from that given in Kaye's 'History,' attracted considerable attention, and has generally been recognised as an important correction of historical error. The evidence on which it is based, having been carefully sifted and tested, has been pronounced by the highest authorities to be eminently trustworthy and indeed incontrovertible. When sending his memorandum on the councils of war for verification, Broadfoot mentioned that Havelock, who kept the records, had been 'deprived somewhat suddenly of all the documents regarding our Jellalabad parliaments,'[3] and referred to General Sir Robert Sale's wish for concealment of the facts to which they referred. That such a desire was, under the circumstances, natural will not be denied; and it is unnecessary to inquire what blame he incurred by yielding to the temptation. As a matter of fact the records seem not to have been forwarded in the usual way to government, but were detained by Sale amongst whose effects they were afterwards found. They remained in the custody of his descendants till 1890, when, with other documents, they were sent to the India Office in circumstances which it is unnecessary to detail. They have since been examined in order to find out whether they possessed sufficient historical interest to warrant publication; and notes and extracts have been made of the parts which seemed of greatest value.

The records referred to are thus divided:—

I. *Three volumes of general and brigade orders.* These cover a period from December 1838 to July 1842, but, though not void of interest, they do not appear to contain fresh matter of much importance.

II. *One volume of letters* written between 9 March 1841 and 22 August 1842, when they end abruptly. Sale probably continued correspondence whilst he held a command in Afghanistan, and this would not expire till December 1842 when the forces returned to India; but of letters after 22 August there is no trace in this volume. Amongst the letters there are many of importance, the main parts of which have already been published. Besides these, however, there are others of interest to those acquainted with the history of the war, and of value to those capable of estimating their worth as evidence. To do this correctly a minute knowledge of events and persons concerned is required. A student should note that in some

[1] In extracts or copies of documents the original spelling is retained; in the rest of the article the system used in the *Imperial Gazetteer of India* has been followed.

[2] London: John Murray. 1888.

[3] *Ibid.* pp. 62–63.

instances letters written immediately after events have been cancelled and others after a lapse of time substituted; also that no reference to the councils of war appears in the letters written whilst they were held, although the most important questions concerning the defence were there and then decided. It is unnecessary to publish extracts from the letters in this REVIEW; the originals may be consulted at the India Office.

III. Lastly there is a collection of '*papers respecting the defence of Jellalabad, 1841–1842.*' Amongst these are two reports by Captain afterwards Major Broadfoot. The first, a 'note on our present position, our prospects, and plans, dated 15 Nov. 1841,' is now of no importance; for the course advocated—to fight their way to Peshawar, refit, and return to relieve the Kabul force—was not followed. The second, a 'Memorandum on the defence of Jelalabad,' is chiefly of interest to the military engineer as showing what considerable results can be obtained with inadequate means when the defence is conducted by an officer of ability and resource. The other papers form the official record of the proceedings of the councils of war assembled on Jan. 27 and 28, and again on Feb. 12, 1842. These are interesting now partly because of their strange history, to which allusion has been made, and partly because, though merely a bald record of decisions arrived at, they confirm Major George Broadfoot's memorandum in every essential particular. That account must be read by all who desire to learn what took place at the councils and how and why the various members voted; but an important contribution to our knowledge of these matters will be found in the reasons for their votes recorded by Colonels Dennie and Monteath, and Captain Abbott, and above all in Captain Broadfoot's reasons for opposing them. The minutes of the proceedings are here printed as written; an abstract of the correspondence considered is appended, in which extracts or copies are distinguished in the usual way; and then follow the reasons for their votes recorded by the four officers above mentioned.

Before reading these papers it is desirable to call to mind the situation at that time in Afghanistan. Throughout that country discontent with our administration had led to rebellion, which our failure to suppress had encouraged whilst our forces were proportionately depressed. Sale with a brigade had been sent from Kabul to clear the passes and had fought his way to Gandamak, a post near their eastern entrance. His troops were at times dispirited, though to a less dangerous extent than those at Kabul. While at Gandamak Sale heard of the outbreak at Kabul in which Sir Alexander Burnes was killed, and was requested to return if possible and assist in restoring order. He declined to do so and occupied

[1] *Career of Major Broadfoot*, pp. 67–78.

Jalalabad, the fortification of which was entrusted to Broadfoot. Here the news of Macnaghten's murder and of the Kabul catastrophe reached Sale, deepening the prevailing gloom. He still however maintained the defence in expectation of relief, but on Wild's failure to penetrate the Khaibar this hope was dispelled. Then apparently for the first time realising the full peril of his position and acting on the advice of Macgregor, a young artillery officer in political employment, he summoned a council of war to approve of his proposal to negotiate for the evacuation of Jalalabad and the retreat of his brigade to Peshawar.

Minutes of the Proceedings of a Council of War, assembled by order of Major General Sir R. Sale, K.C.B. Commanding at Jellalabad, January 27, 1842.

Present, Major General Sir R. Sale, K.C.B. Captain Macgregor, Political Agent. Lt. Col. Dennie, C.B. Commanding H.M. 13th. L. Infty. Lt. Col. Monteath, C.B. Commanding 35th Regt. N.I. Captain Abbott senior Officer of Artillery. Capt. Oldfield, senior Officer of Cavalry. Capt. Backhouse, senior officer of the Shah's Force, and Capt. Broadfoot, garrison engineer.

Captain Havelock, temporarily attached to Major General Sir R. Sale, and Captain Wade, Major of Brigade, attend to record the proceedings.

The following documents are read to the council.

1. Copy of letter, dated 2nd December 1841, to His Excellency the Commander in Chief, from the Governor General in council communicated by George Clerk, Esqre. to Capt. Mackeson and from the latter officer to Capt. Macgregor.

2. Extract of a letter, from the Secretary of Government, dated 3rd December, 1841, to the address of His Excellency the Commander in Chief, communicated through Captain Mackeson to Captain Macgregor.

3. Letter of the 9th January from G. Clerk, Esqre. to the address of Capt. Macgregor.

4. Letter from Capt. Mackeson to the address of Capt. Macgregor, dated 20th January.

5. Letter from Capt. Lawrence, dated midnight the 19th January to the address of Capt. Mackeson, and letters dated 2 A.M. 20th January and 1 A.M. the 21st January to Capt. Macgregor from Capt. Lawrence.

6. Letters from Capt. Mackeson dated 21st January, to the address of Captain Macgregor.

7. Letters from Major Pottinger, dated Budiabad, January 23rd, to the address of Captain Macgregor.

8. Letters from Sir J. Nicolls, K.C.B. to the address of Major Genl. Sir R. Sale, K.C.B., dated December 16th, 1841.

9. A Private Letter from Shah Shooja, marked No. 1, and a Public one marked No. 2, the latter received 26 January.

Captain Macgregor makes known to the Council, that this morning's news which has reached him is to the effect that Capt. Mackeson has retreated from Ali Musjid, and that Torabaz Khan, the friendly Momund chief has fled to the hills. These reports, however, require confirmation.

The Council are required to decide on what reply is to be sent to the letter No. 2, from His Majesty Shah Shoojah-oll-Moolk, and to meet to-morrow morning at 10 o'clock A.M. for the purpose of recording their decision.

Continuation of Proceedings, January 28th, 1842.

A letter to H.M. Shah Shooja-ool-Moolk is read for the information of the Council, and for their approval. The Council agree in the terms of the letter, with the exception of our proposal of giving Hostages. Captain Broadfoot further objects to the demand for the withdrawal of Mahomed Akbar's [force],[5] from this part of the country, and also the omission of demanding the Hostages Prisoners and Sick men now in their hands. Captain Oldfield also is of opinion that we should demand our Hostages, Prisoners and Sick now in their Hands.

Capt. Backhouse, Capt. Abbott, Lt. Col. Dennie, and Lt. Col. Monteath, agree to the propriety of our treating for an evacuation of Jellalabad, provided the securities are given which have been demanded, under the impression that from the letters read before the Council, it appears the Government have no ulterior views in this Country.

Capt. Broadfoot and Capt. Oldfield object to any treaty being entered into, for the evacuation of this Place.

A. ABBOTT, Capt. Artillery.
T. MONTEATH, Lt. Col.
W. H. DENNIE, Lt. Col.
G. BROADFOOT, Capt. Gsn. Engr. Jelalabad.
J. B. BACKHOUSE, Capt.
C. E. T. OLDFIELD, Capt.

The separate opinions of the members are appended.

Summary of documents laid before the Council of War, with extracts The numbers correspond with those in the minute of proceedings wher full description of the letters is given.[6]

1. Details the measures for the support of the troops at Kabul an Jalalabad, viz:—the concentration of an effective brigade at or nea Peshawar. If this brigade should be able to reach Jalalabad and hold th neighbourhood the officer commanding the collected force 'will have discretion to make that forward movement,' but may not advance t Kabul unless he should see certain success with little hazard, or a prospe of successfully saving the troops there. Attempt considered impossib before April. A reserve army of from 10,000 to 12,000 men to be station on the Sutlej, and orders will be sent to Bombay to assemble two brigad at Sukkur and Shikarpur.

2. 'para. 4. En tel cas, il nous seroit difficile, á concevoir quil pouv avoir, des circonstances ou des objets Politicles d'une importance a grande pour nous faire desirés de retenir possession du reste de ce Pa et au moins que ces objets ne deviendroit parfaitement clair, com resultant de la suite des evennemens nous desirions que nos officiers employés militaires et Politicale ageroint d'une maniere á faciliter le b desiré de se retirer avec la moindre perte à notre reputation possib Bien entendu que ce mouvement retrograde sera fait d'une mani delibere et resultera d'arrangement que nous conserverons un influe

[5] Omitted in the original.

[6] Pp. 95 f.

politicale dans ce Pays; mais il ne faut pas, fermer nos yeux à la probabilité qui existe que la premiere mouvemente, de la Population de Province, meridionale, lorsquelle sera appris quil nous est arrivé un revers a Kabul, sera de se lever en masse et d'enturer nos Postes, fermant notres communications. Dans cet evenement, les officiers qui commandent les differens Postes, seroient instruit d'avoir egard premierment à se joindre au support le plus prochain de maniere à ne pas exposer leur troupes au danger d'etre isolés;—car il est de la premiere importance de prevoir à la sureté des different corps detaches autant quil sera possible. Le Major Generat Nott, ou l'officier qui commande à Kandahar, seroit instruit, dans l'evenement de la perte de Kabool, de recevoir sous ces ordre les Troupes à Ghuzni (to take the force at Ghuzni under his orders) et de donner des ordres qu'il faut au Colonel Palmer. Quant au Regimente qui se trouve à Ghuzni, nous ordonnerons à Mons^{r}. Clerk d'arranger avec le Gouvernment Sikh pour leur porter toute l'assistance qui pourra si'l seroit decide, que ce corps, sopporteroit en arriere ou sur Dera Ismael Khan, ou sur quelque autre point au Frontier.

'Nous ferons prevenir une copie de cette Paragraphea Mons^{r}. le Major Rawlinson, au Major General Nott, et au Lt. Colonel Palmer, par la moyen du Major Outram dans la Sinde Superieure, et par les moyens du Capt. Mackeson à Peshawar.'[7]

True extract. F. MACKESON.

3. In this letter Mr. Clerk detailed the steps he had taken towards reinforcing our troops in Afghanistan and the movements of the reinforcements as far as he knew them.

4. Mackeson from Ali Masjid informed Macgregor respecting recent affairs in the Khaibar pass: reported Wild's failure to march through it: the demoralisation of the native troops at Peshawar: his (Mackeson's) intention to hold Ali Masjid; and if Sale is obliged, which God forbid, to fall back, he will advance to assist.

5. H. M. Lawrence from Peshawar told Mackeson at Ali Masjid that he could send help in men or food and invited him to act as he thought best. Lawrence informed Macgregor of Wild's failure in the Khaibar: that help for Jalalabad could not be given for a month at soonest: begged him not to be deluded by false hopes or a mistaken sense of honour: suggested retreat from Jalalabad: and reported panic at Peshawar.

6. Mackeson having heard of the destruction of the Kabul force wrote to Macgregor recommending courage and holding Jalalabad: but if retreat were decided on he would do his best to assist: warned Macgregor to beware of Afghan treachery.

7. Pottinger, a prisoner in Akbar Khan's power, wrote to Macgregor

[7] This paragraph has been printed as it is to be found in the collection of papers respecting the defence of Jalalabad. It is, perhaps, more intelligible to an Englishman than it would be to a Frenchman. Nevertheless, in mitigation of the numerous errors, it may be pointed out that the original was written in Calcutta; that several copies were made there, very possibly by native clerks, one of which was sent to Peshawar, and there again copied in Capt. Mackeson's office, and lastly in Jalalabad. Each time it was copied, there is a probability that fresh error was introduced.

that the Sardar[8] was desirous of treating or making terms on the basis of the restoration of Dost Muhammad and his family, who shall be supported by the British. Akbar Khan 'will hereafter be the friend of the English, but that at present to prevent himself from being abused by his People, he must proceed to close the Khyber Pass against the approach of the English Army, but he will not attempt to attack Jellalabad, before the arrival of Shah Shoojah's son and army, and after their arrival he will use every endeavour to secretly aid the garrison until the arrival of his Father and family.' Hostages and wounded to be given up on the Amir's arrival at Peshawar. When agreement on this basis is made the officers and ladies under the Sardar's protection will be sent in save one or two required to carry on negotiation.

8. Sir Jasper Nicolls informed Sale of probable relief in February and mentioned Wild's force.

9. 'Private letter from Shah Shooja marked No. 1, and a Public letter marked No. 2. The latter received 26 January.

Royal Seal.

No. 1.

'Let it be represented to the High and exalted in Dignity, the confidential adviser in Greatness, Macgregor Sahib Bahadoor. You have been made acquainted with the events that have taken place. Notwithstanding that I explained to your Countrymen the wickedness of these People (Rebels) they would not form a just notion of it, but confided in the assurances of the enemies of my Government, the Tribe of the Barakzyes. To this pass affairs came; and it was the desire of the Barakzyes to create discord and disunion between my Government and the British. They told them that I had excited this insurrection, while they intimated to the Mussulmans, that the King and the Feringhees were one, until at length the countenances of all men were averted from me. Well thus it was ordained to be, regrets and distress have taken possession of my mind not to be removed till the Almighty in his mercy shall grant us reprisals on those Rebels for the loss of Macnaghten Sahib, Trevor Sahib, and the rest. After the disaster of the arms of the British I frequently enjoined them to send their Baggage and Material into the Bala Hissar that it might be secure. They would not listen to my advice and acted with indecision. I also recommended them to procrastinate by means of negociations, urging that as soon as I could make arrangements with these People, both my affairs and theirs would prosper. Again they would not listen to me. Whilst thus blockaded, I expended amongst the Rebels all that my Treasury contained until by working on their avarice I had induced some men on whom I could depend, to join my Party. With the Blessing of God they will not leave me. The Afghans cannot carry on the Government without me. The friendship and attachment which exist between me and the British Government has long been proclaimed to the world: it will now be clear as the Sun at Noon. If only during these four months of winter I had treasure at my disposal as a means

[8] Sardar Muhammad Akbar Khan, son of Amir Dost Muhammad Khan, the ruler of Afghanistan, whom we deposed in favour of the incompetent Shah Shuja

strengthening my hands, by the Blessing of God there is no power in this Country that could prevail against my Government. By the Grace of God everything would answer my Expectation. The People here cannot be induced to unite themselves to me except by money. May God grant me this one desire: I had previously expended 4 lacs in this Business and now I have given other two lacs. I have no more left. If you can provide me this means of attaching these men to me, I hope by Blessing of God, the whole affair will terminate according to our desire. In the course of a few months I shall be able to raise a force of Horse and Foot, and then no Rebel will be able to show his Head. You my friend shall see that. May God grant this desire of my Heart. The Bearer will tell you all the rest. The accompanying pray forward to Peshawer, and the letters in an Envelope send to the Governor General, and let me quickly have an answer to this. Whenever you hear from Peshawer of the arrival of my communications, let me be informed of it as Base People still write and insinuate that my Government and that of the Feringhees are one and the same.

To enable me to set things right it is necessary that I should have money. When my Government is established I have no need of any one. Everything will be according to my desire. Do not confide these sentiments to any Afghan. Hereafter God will do that for your good and mine which we wish. May God grant me this request. The Bearer will make a private communication to you. Whenever I can get means and my Government shall be established, these People will be obedient and submissive to me, and I will make them carry the very shoes of the English on their Heads.

True translation.
H. HAVELOCK, Captain, Persian Interpreter.

Royal Seal.

No. 2.

Let it be known to the High and Exalted in Dignity; Renowned for Valour and Resolution, George Macgregor Sahib Bahadoor that some time since, it came to the Royal Ear, that you had agreed with these People, to take your departure. Since that the illustrious Government has received no intimation on the subject. It is expedient that the above named distinguished Person, should make known his present circumstances with dispatch, that they may be understood.

True translation.
H. HAVELOCK, Captain.
Persian Interpreter.

Dated in the month of Zil Hijju* 1257] January 1842.

Translation of the reply to the letter of Shah Shoojah-ool-Moolk.

The respectful representation of Captain Macgregor is to the following effect.

On the 15th of the month Zee Hiju the resplendent epistle of the High and Mighty Government, reached His Majesty's obedient servant in

* Zil Hijjah, the twelfth month of the Muhammadan year. 1257 A.H. = A.D. 1841.

an auspicious hour and he was honoured by its receipt. From the abode of splendour and Power thus it was written to him. 'That previously it had come to the Royal Ear that an Agreement had been made with those People (the Rebels) to quit the country. After that the Royal Government had heard nothing. It is fit that the present state of affairs should be represented that it may be known.'

The petition of His Majesty's obsequious Slave is this, that from the time of the commencement of the rebellion at Cabool, these faithful servants of His Majesty have maintained themselves at Jellalabad, and have laboured and exerted themselves in his cause. Whilst they could call their Heads and lives their own they have not spared them in the way of self devotion in his service and are ready to fulfil every duty to his Government. And since the receipt of the intelligence of this Insurrection, the successful Army of the British Government has been put in motion to aid His Majesty, and its Advance Guard, pressing on, has already reached Peshawer, and His Majesty knows that his servants remaining in this country, and the dispatching another great Army towards its Frontiers, were only intended to assist and gratify his precious Government. These measures have no other object than that the enemies of His Majesty should be abashed and confounded.

It is impossible however, that His Majesty's servants should return to their own country without His Majesty's permission. For the dismissal of His Majesty is their warrant of Departure in the eyes of their own Government. If an order issues from the abode of Splendour for their March, their own desire differs not the point of a Hair from the Will and Pleasure of His Majesty; but their ambition is that they should leave the Country with every mark of Honor and Favour, with their Arms and Cannons and Tents and all their Material, that they may move without interruption or inconvenience, since their departure hence, with every circumstance of Honour and consideration will increase the Glory and Reputation of His Majesty.

And as respects their marching in confidence and good understanding both from report and authentic information it appears, that after the Treaty of the British at Cabool with these People (the rebels) they experienced nothing but difficulty and treachery and breach of faith. That which they did, they did by their own Council,[10] they acted not by the Advice of His Majesty. That befel them which was ordained. Now under these circumstances, how shall the British in this Place confide in such Persons? They will state the stipulations on which they would rely, viz.: 'That Sirdar Mahomed Akbar Khan and his Force, should be withdrawn to Cabool,' and that the following Hostages should be given viz: Sultan Jan the son of Mahomed Azim Khan, on the part of Sirdar Mahomed Akbar Khan; and one of the sons of His Excellency the Wuzeer Mahomed Zeman Khan, and a son of the Naib Ameen-oola Khan and 4 of the Momund Chiefs, 4 principal men of the Shinwaries, and Chiefs of Khyber, and that one of the Auspicious Princes of the Royal Blood, should be sent to accompany the British on the Road, with a small escort, and that the Afghan Forces, should be detained at Cabool un-

[10] Counsel.

the British have marched hence. His Majesty's guns which are at Jellalabad, shall be given up with the City to the People of His Majesty.

The Hostages shall be delivered back on the arrival of the British at Peshawer, if the above Conditions should be fulfilled: the British desire not to stay here, and will write to the Illustrious Capt. Mackeson, that the force which stands ready to advance, may be halted at Peshawer, and not move in this direction.

If after completing all these arrangements, His Majesty will provide carriage animals for this Force, it will be a proof of His Majesty's consideration.

May God increase His Majesty's wealth and Prosperity.

True translation.

H. Havelock, Captain.

Persian Interpreter.

Col. Dennie's reasons for his vote at Council of War, Jellalabad.

Had I been timely instructed as to the nature of the views of Government on the great question submitted to me, it might have admitted of an opinion, but at this late hour no option appears to be left us. Until now, I had believed that I was fulfilling my Duty towards the Government in maintaining the Country it sent us to occupy, and that prematurely to abandon our Post would have been disloyal and disgraceful. Retreat or withdrawal from Afghanistan as we were on its Frontier, and *under the then circumstances* might have been practicable, but the destruction of the Cabool Force, and the failure attending the tardy and disjointed manœuvres of the Troops at Peshawar, which I am now apprized of, renders a retrograde movement by our two Regiments in the face of a whole Country, and through the Kyber Pass, impossible.

The Murder of our Ministers and the Massacre of our Force in defiance of all Treaty proves that no hope can be entertained of such enemies keeping Faith with us, nor do I believe that the King, or the Chiefs, if they have the wish, possess the power of observing any terms with us. Time is however an important object, and therefore it may be well to temporise or negotiate as long as possible, having resolved to defend our present Position to the last extremity, confidently trusting that the Government we serve, will by the example of this little Garrison awake to a more humane and wiser Policy, and feel that its own Security and Honor, as well as its best Interests, are involved in the Defence of its soldiers and subjects.

I should suggest that to remedy our great want as much as possible, that every article of Metal—lead, pewter, iron or brass within the Fort, should be immediately given into Public Store, for the purpose of being cast or beaten into bullets, or cut into slugs; and that every thing of silver or gold, possessed by individuals, be given into the General Treasury, and be melted for the general benefit, and also that all superfluous horses and cattle be immediately sent out of the place.

I should advise that any overtures from Mahomed Akbar Khan be most cautiously and suspiciously received, as from such a Quarter they

may be designed only to entrap and commit us with the King and the Cabul Government.

No time should be lost in urging the Indian Authorities in marching British Infantry and Cavalry to our relief.

W. H. DENNIE, Lt. Col. Commd. H. M's 13th Lt. Infy.

Jellalabad: 28 Jan. 1842.

Lt.-Colonel Monteath's reasons for his vote. Council of war at Jalalabad.

My reasons for assenting to any arrangement whatsoever involving the evacuation of Julalabad by the British Troops have been entirely governed by considerations connected with the disastrous consequences attendant on the advance of the force under Brigadier Wild upon Alli Musjid and the disinclination evinced by those Troops to move through the Kyber Pass, as set forth in Captain Mackison's letter to the address of Captain Macgregor, Political Agent at Julalabad.

Major-General Pollock it is true is now marching towards Peshawar with H.M. 9th Foot, and the 26th Native Infantry, and may be expected to reach that place in a few days, but with reluctant Troops, and Alli Musjid in the hands of the Enemy, an attempt on his part to force the Pass could not be viewed in any other light than an extremely hazardous undertaking, and one which if unsuccessful might be productive of ruin to the British interests in India, as the defeat, and perhaps entire loss of Six Regiments in addition to the two at Julalabad, which would necessarily be annihilated on the chance of succour being withdrawn from them (independent of the Moral effect), would so cripple the available Military resources of the Government, as to render them insufficient for the protection even of their own Territories from external aggression at a time too when probably all ulterior political views in regard to Afghanistan have virtually been abandoned in consequence of the recent calamity at Cabool.

If General Pollock's force cannot or must not advance from Peshawar, his return march to Hindostan must commence by the 1st of March, otherwise his Troops would suffer greatly from the extreme heat of that place, and those at Julalabad would be abandoned in a position untenable after the month of April from its extreme insalubrity and heat during the summer, allowing even that food and money could be obtained, neither of which could possibly be forthcoming; therefore I see no objection to the guarded reply which has been given to the communication received from the Durbar of His Majesty Shah Shooja ool Moolk to the address of Captain Macgregor, Political Agent at Julalabad.

T. MONTEATH, Lt. Colonel Com. 35th Regiment.

28 Jan. 1842.

Capt. Abbott's reasons for his vote at the Council of War.

I approve of the Reply to the Shah's letters.

1. Because we have before us the expressed wishes of Governmen that, in event of the Cabul Force being destroyed, the remaining Troop should withdraw from the country.

2. Because no sufficient measures have been taken, as far as we can learn, to reinforce this Garrison from Hindustan.

3. Because the ill-judged attempt of the Peshawur authorities to force the Khyber, has rendered the Troops there *morally* as they were before numerically and physically, unequal to the task of coming to our aid.

4. Because, although we, as a separate body, might obtain much posthumous fame by dying in the hopeless attempt to retain Julalabad, yet we should thereby only injure the cause we wish to serve. [A sentence has been here erased.]

5. It is evident that if our Brigade reaches Peshawur safely, and if when there, we receive back all our hostages and Prisoners, the wishes of our Government will have been fully accomplished. If the Prisoners and Hostages be not restored, we then shall be at liberty to act again in concert with any force invading the Khyber.

6. I have not urged the 'restoration of our Hostages' as an article to be inserted in the Treaty, because those Hostages were given to ensure the Retreat of this Brigade on Peshawur,[11] and until we reach Peshawur we have neither the right to make nor the power to enforce the demand. As a simple military question 'whether this Brigade would do better service by holding Julalabad, or whether it would not be more advantageously employed in assisting General Pollock to force the Khyber?' I think there can be little difficulty in saying that in the latter position it would be most useful. Julalabad could not for 48 hours, resist the 3 18-pounders of General Pollock's Train and we might give the place up to an enemy with the certainty of being able to retake it at our convenience. The terms we have demanded are honourable and the security ample. If they are granted, we save the lives and obtain the liberty of scores of our fellow soldiers. If they are refused we at least gain *time*, which is of vast importance to us.

Had we none of our friends in the power of the enemy, I should be averse certainly to treat with the Shah circumstanced as he is at present, but, as matters stand, Policy and humanity equally demand that we should *temporize*. The Princes, under whose dictation his Majesty acts, have already pressed him to execute 2 of the Hostages, and there can be little doubt that all these unfortunate officers would be destroyed, were we distinctly to refuse to evacuate Julalabad.

A. Abbott, Captain, Artillery.

Capt. George Broadfoot's reasons for his vote in opposition to the majority of the Council of War.

Jelalabad: 28 Jan. 1842.

The King since our force left Cabool is in the hands of the insurgents, or at least at their mercy. He cannot, therefore, be considered a free agent unless we suppose him faithless—and the treaty to which he refers was violated and rendered null by those with whom we made it by the treacherous destruction of our force at Cabool.

[11] I have not verified this statement. The hostages were given by the Kabul troops for purposes connected with the convention they made. It had already been decided that the Jalalabad garrison was not bound by that convention.

The answer to the King should therefore, in my opinion respectfully and with assurances of friendship but firmly, in so important a matter refer His Majesty under the above circumstances to our Government in India.

This course leaves us free here to hold out or retreat as may best meet the views of Government and serve the public interest.

The draft of reply to the King laid before the council seems to me objectionable because, 1st, It offers to evacuate Jelalabad without previous reference to India though the authorities there have been informed that relying on their promise of succour we shall make a determined defence.

To this some members of the Council oppose the declared intentions of Government to withdraw from the rest of the country if Cabool were lost. But these intentions though now only known to the Council were known to the General some time before the promise to hold out was made —and this promise was made in announcing not only the loss of Cabool but that of the Cabool Force also.

If these intentions were not a good ground of retreat then, still less are they so now, for retreat was then comparatively easy, Lalpoora being still friendly, Ali Musjid ours, the passes occupied only by the Khyberees, and our cattle not sent away. The Government also would then look for nothing else, while now they are warned of our resolution to stand, of our increased difficulties and of the catastrophe of the Cabool Force which it is hard to conceive they can safely leave without inflicting speedy and signal punishment on its authors, and our position here will doubtless induce additional energy on their part that a second shock so dangerous to our supremacy may not be given by our destruction. No reverse has since occurred in the Khyber that we had not too good reason to admit into our calculations when we promised to hold out. We are even somewhat stronger than before in this place, while an active and intelligent enemy has been allowed time to increase the difficulty of our retreat. In these circumstances is it not our duty to await the movements of Government under the new circumstances we have in part created for them? But if the enemy promptly accepts the terms offered we shall be bound to quit the country before even the answer to our letters could arrive if the dawks were open and by the time measures formed on the basis of our resistance here are completed Govt. will learn that we have changed our minds and that by trusting to us they are proceeding on erroneous data.

Captain Abbott's argument for offering to capitulate, that if we do not the six hostages in Cabool will be sacrificed is one of which it is afflictin to feel the force and painfully difficult to estimate the just value.

2. Even if it be determined to give up the place it would in my opinion be better to do so by a retreat than by a capitulation—sufficie security is scarcely to be looked for—scarcely possible in fact. If o terms be accepted we are exposed to treachery, if they be rejected, t enemy is warned that we contemplate retreat and will be encouraged continue his efforts to destroy and obstruct the roads and not to relax the vigilance with which the passage is watched. Those chiefs also any) whom the expectation of aid from India may have rendered willi in some degree to favour us will now be, as they suppose, undeceived a

make their peace with the enemy by double activity against us, while by keeping up a bold tone we should discourage the zeal of the enemy, making him relax in vigilance and enabling us to make part of our retreat by surprise and gain on our side the terror of an unexpected blow.

3. It being, however, decided by majority of votes to treat for a safe retreat, I object to our giving hostages as a degradation heretofore unheard of in our history in India, encouraging our enemies and dispiriting our troops while it renders hostages from the enemy a vain form, for we cannot punish perfidy by executing their hostages without at the same time causing the death of our own.

4. In like manner I propose, in order to render their hostages more than a pretence, the restoration before we march of all our hostages and prisoners now in their hands.

5. I object also to the demand for the removal of Mahomed Acbar Khan as one of which we cannot ascertain the fulfilment while it will make him (at least against us), the favourite leader of the religious warriors by showing that we fear him and because it will, if our terms are accepted, make it his interest to uphold this new station of religious champion [12] by another attack on the infidels under the mask of a treaty. Having his cousin as a hostage is but a feeble security with the man who, while our force at Cabool was still at its post murdered our envoy, though his own father and his family were in our hands.

6. With respect to treating with Mahomed Acbar Khan for the restoration of the ex-Ameer Dost Mahomed Khan it appears to me a matter of high national importance to our country to decide what dynasty, or whether any native dynasty shall govern this country, and therefore one only to be treated under direct authority from government. It is to be considered whether to obtain the doubtful friendship of Mahomed Acbar Khan it be advisable to risk the national honour by concluding a treaty that we know may be disavowed. But the Surdar may be encouraged to send his proposals to Calcutta and to expect consideration there for any acts of friendship to us or to the prisoners in his power.

7. Finally the expected relief may fail to reach us, and a further attempt may be too late to save us—in such case, if we hold out, the season of deadly disease is before us, and famine or scarcity at least will accompany it—if we retreat now we have the rains impeding us, the country filled besides the permanent population with hostile inhabitants, who in the hot season move to the higher tracts and the opposition to us guided by the chief who has lately so well succeeded in a similar enterprise—if we retire later in the season our numbers will be diminished, our sick more numerous, our ammunition probably almost exhausted. Even now, at our best, we are too few efficiently to defend this extensive and weak place, and our ammunition is scanty. Thus situated and so out-numbered and isolated, our sole superiority is in our greater military skill, and above all in the *morale* of our troops if we can keep that up—for in so doing we lower that of the enemy and *vice versâ*. Our opponents are incapable of good faith and ascribe every proposal to treat to fear. Let us not so encourage them or we depress our own men, but having no hope but from arms let our tone be ever that of men confident of victory.

[12] *i.e.* to uphold his new position of religious champion, &c.

Whatever course we then pursue, we shall have the greatest chances of success our situation allows, and in any case be certain of even our fall being glorious and useful to the cause of our country—and it is on these grounds chiefly I have opposed treating *at all* for a capitulation [13] and, that being carried against me, the details of the proposed letter above mentioned.

G. BROADFOOT, Captain
Commanding Sappers and Miners, S. S. F.
and Garrison Engineer, Jelalabad.

Minutes of the Proceedings of the Council of War, reassembled by order of Major General Sir R. Sale, K.C.B., Commanding at Jellalabad, 12 Feb. 1842.

Present. (as before)

The following documents are read to the Council:—

1. Dispatch from the Durbar of Shah Shooja-ool-Moolk being the reply to the propositions made to his Government with the advice of this Council of War, as assembled on the 27th Ultimo.

2. 3 Private Letters from Shah Shooja-ool-Moolk to Capt. Macgregor, Political Agent.

3. Letter in Quadruplicate from Capt. Mackeson Pol. Agent at Peshawur, dated 2nd Inst. (triplicate and quadruplicate originals transmitted on the 4th Inst.).

Major-General Sir Robert Sale informs the Council that he has assembled them to lay before them the above Documents and to take the opinions of the Members on the expediency of sending to the Durbar of Shah Shooja-ool-Moolk, copy of the letter addressed to it, with the advice of the Council of the 27th Ultimo, authenticated by the seals and signatures of the Major-General and Captain Macgregor, as well as the seven Members of this Council, with an additional provision stipulating for the Surrender on the part of the Shah's Government of all British Prisoners Hostages, sick and wounded now detained in any part of Afghanistan upon the Arrival of this Force at Peshawer. The word British as above used to include all Officers, Civil or Military, soldiers, Camp Followers and others, that belonged to or accompanied the British Force serving Afghanistan as well as those of the Shah's Contingent.

The Major-General further represents to the Council that though he proposes to treat in the most perfect good faith, and scrupulously to fulfil every stipulation on our side, he entertains little or no expectation of the Cabool Government acceding to the specified terms, but considers that this Force, will by this negociation in no way suffer in reputation, the terms demanded being most honourable, whilst by thus treating, we shall probably induce the Enemy to delay the period of Investment, reserve longer the efficiency of our Artillery and Cavalry, by a partial command of the resources of the Country, and giving time for reinforcements to arrive from India.

(Here follow three lines and a word, erased: the first two lines containing the names of members except Col. Dennie: the third line a word being to the effect that Capt. Broadfoot declines to (?) Maj. General's proposal.) The rest of the document is as follows:—

[13] The writer means that on these grounds he opposed treating for capitulation, when outvoted on that issue, he opposed the details of the proposed letter on these grounds.

The Council object to attach their seals, to their letter of the 27th Ultimo, and propose that the following letter be sent in reply by Captain Macgregor.

'I have received your Majesty's letter and submitted it before the General Officer and the other Senior Officers at Jellalabad, but as they consider the great and essential question therein remained unanswered viz. :—as to your Majesty no longer desiring our Services in your kingdom, and such being indispensible [14] both as regards their own Honor and Duty to their Country, they cannot enter into any arrangements, without such declaration from your Majesty being first expressed.

G. Broadfoot, Capn Comg Srs and Miners, Gn Engineer, Jelalabad.
J. B. Backhouse, Captn Arty
C. E. T. Oldfield, Captn 5th Cavry
A. Abbott, Captn Artillery.
T. Monteath, Lt Colonel.
W. H. Dennie, Colonel.'

It is scarcely necessary to add much comment to these documents. A few remarks may, however, assist in directing attention to their most salient points. The letters of the government of India laid before the council of war bear evident traces of both anxiety and despondency. That in doggrel French even suggests that, in case of the destruction of the Jalalabad garrison, the government of India might, if attacked for having abandoned them, reply that it had already desired them to provide for their own safety. The tone of Henry Lawrence's letters is depressing, whilst Mackeson's letter, though relating the same misfortunes, recommends courage and holding out.

Akbar Khan's proposals made through Eldred Pottinger bear treachery plainly written on the surface, intelligible, one would imagine, even without the warning just conveyed by the destruction of the Kabul army. With this experience fresh in their minds, it is all but inconceivable that Sale and the majority of the first council should have adopted measures calculated to expose themselves to similar destruction. Yet so it was. The Shah's letters, due allowance being made, are fairly honest and to the point. In the first the Kabul disasters are referred to, and money is asked for. In the next letter the simple question is asked, whether Sale has, or has not, entered into a treaty with 'these people,' *i.e.* Akbar Khan and his followers, to evacuate Jalalabad. On this a letter, miscalled a reply, was written to the Shah, in which the garrison agreed to evacuate the place, if he so desired, with the honours of war and with stipulations for their safety. This is the letter which Broadfoot succeeded in modifying so far that the proposal to give hostages was omitted, and some specially abject phrases were withdrawn or altered. Then

[14] *Sic* in original.

follow what are called the reasons for their votes recorded by certain officers. The first is by Colonel Dennie, and is rather strange reading. He does not bring forward a single reason for his vote. On the contrary, he desired to gain time, 'having resolved to defend our present position to the last extremity.' In short, he either did not comprehend the effect of his vote, or he proposed to negotiate for terms which he did not intend to keep.

Colonel Monteath's and Captain Abbott's reasons are clear enough, and deserve impartial consideration. They voted for treating with the enemy because of Wild's failure in the Khaibar; because the government of India desired to abandon Afghanistan; and because Jalalabad could not be successfully defended. Captain Abbott further thought that the sacrifice of the garrison would ultimately hurt the government which had failed to help them in their hour of need; and he believed that to refuse to evacuate Jalalabad was to ensure the destruction of the prisoners in Akbar Khan's power. Though these reasons were unquestionably entitled to weight, yet they were insufficient, and, studied with the light we now have, they bear the semblance of excuses rather than reasons for the votes recorded by these officers.

Broadfoot, in opposing the treaty, stood on firm ground. He pointed out that the Shah was no free agent, and referred to the experience of the Kabul army. He showed how Sale, by capitulating after having promised 'the most determined defence,' would seriously mislead the government. He admitted with great grief the force of Captain Abbott's fears respecting the safety of the prisoners. He argued that if Jalalabad must be abandoned, it should be done as a military measure without compact with the enemy, and he exposed the weakness of Sale's proposals. But, the majority having voted in favour of treating, he objected to giving hostages 'as a degradation heretofore unheard of in our history in India.' Rather should we demand the restoration of all our people in the enemy's hands. He further showed plainly the absurdity and futility of the clause which provided for the removal of Akbar Khan, and the statesmanlike objections he made to treating for the restoration of Dost Muhammad, a matter completely beyond Sale's province, are worthy of notice. During the time which elapsed between the despatch of the letter to the Shah and its return for verification, Broadfoot urged his reasons against treating at all with such effect that he brought the majority over to his view. And when Sale and Macgregor desired to continue the negotiation by themselves signing and sealing the document, and by affixing the seals of the members by whom it was signed, the council declined to support them, though assured that the terms asked were 'most honourable,' and would gain time even if they were not accepted, and a letter was despatched which virtually broke off negotiations.

W. Broadfoot.

Reviews of Books

New Chapters in Greek History: Historical Results of Recent Excavations in Greece and Asia Minor. By PERCY GARDNER, M.A., Litt. D., Lincoln and Merton Professor of Classical Archæology and Art, Oxford; late Disney Professor of Archæology, Cambridge. (London: John Murray. 1892.)

THE scope and purport of this book cannot be better expressed than in the author's own words (Preface, p. ix). 'I have written,' says Professor Gardner, 'not for archæologists, but for the ordinary educated reader, for those who are acquainted with the literature or the history or the art of Greece, and who wish to fill up lacunae, or to learn in what direction the spade is increasing our acquaintance with ancient Hellas.' 'The "New Chapters," he says elsewhere, 'are not the chapters of this book, but the chapters which have opened to us at Mycenae, at Olympia, and in the other scenes of recent researches.'

A large part of the matter of which the book consists is, as Professor Gardner informs us, not in all cases new; much having already appeared in various magazines and reviews. Some of the essays are of old date, some are recent. All are good, but the new essays are perhaps on the whole better than the old. The first essay—'The Verification of Ancient History'—is inferior in interest and value to none in the book. Historians, and especially historians of Greece, seem subject to strange limitations. One will have nothing but the printed word of literature; for him inscriptions have no interest. To another inscriptions are all in all; to him Herodotus is the father of lies, and Thucydides a malignant asperser of Cleon. Professor Gardner agrees with both and differs from both. He insists that 'it is the object of every historian to recover, so far as is possible, the actual objective of events,' but he recognises at the same time that it is not necessarily that which actually happened, but that which is believed to have happened, that exercises the greatest influence on the minds of men. As he says (p. 6), 'any one would easily see what a blunderer the historian would be who made a demonstration of the non-reality of the Trojan war a ground for asserting that it had nothing to do with Greek history.' He also refuses to admit that an inscription must be received as a canonical authority without further inquiry. As Professor Gardner sees, the true historical method is to use all accessible means of ascertaining the truth. This seems not a very novel result, but in Greek history it is, as a working principle, something comparatively new. Till towards the end of his work even Grote seems to have hardly realised the value of inscriptions, although

Boeckh had already shown their importance for the political economy c Athens.

The chapters which deal with the discoveries or excavations in Phrygi and Troas, Mycenae and the islands, Tiryns, Cyprus, Naucratis, and on th Athenian Acropolis are delightful reading. Not less interesting are th essays dealing with Eleusis and the mysteries and with the successors c Alexander and Greek civilisation in the East. In giving us this last essa Professor Gardner's deed is better than his bond, for, as he himself stat in the preface, it has nothing to do with excavations, although much wit numismatics. In spite of his protestations the author seems rather incline to underestimate Greek influence in India. Lassen long ago showed (result confirmed by recent research) that Indian drama was a dim an distant reflex of the Greek Dionysiac drama.

Professor Gardner rightly finds fault with Grote for stopping at th point where he did. The break comes with Philip, if there is to be break; but a great service will be done by this essay, if the reade can be brought to see that Macedon did not extinguish Greek influenc but, on the contrary, disseminated it over an incomparably wider area tha it had ever reached before. The truth is that, in England, our notions c political liberty and our national prejudices, which lead us to believe th only the free peoples are interesting, have caused the neglect of some the most important parts of ancient history. Grote disregarded the mov ments other than political which were to spring out of the Greek precised empire of Alexander, no doubt for reasons similar to tho which led Professor Freeman almost to rebuke Dean Merivale, as in sor sense an 'apologist for imperial tyranny.' Yet the influence and t organisation of the Roman Empire have a greater historical value, a are surely much better worth detailed study than the time which imm diately preceded the establishment of imperial government. If the gl of Agamemnon depends on his *vates sacer*, no less certainly do t abortive Catilinarian conspiracy and the street fights of Clodius and M derive their importance from the nervous exaggeration and the *rotundum* of Cicero.

The treatment of the subject in 'Epidaurus and Ancient Medicine' (x and 'Dodona and the Oracles' (xiv.) is more slight, although the discove in these places throw much curious light upon little-known features ancient life. The thing about the inscriptions from Epidaurus (larg quoted in translation by Professor Gardner), which will probably stu the general reader most, is their resemblance to a modern quack vertisement. Plautus, in the 'Curculio,' where he seems to be copy closely from a Greek source, and the newly discovered Herondas-Herodes, *si libentius audit*—deserve mention by the side of Aristopha as literary sources for the practices and the sights in the temple Aesculapius.

The essays on 'Olympia and the Festival' (ix.), 'The Reliefs Inscriptions of Athenian Tombs' (x.), and 'Spartan Tombs and the Cu of the Dead' (xi.) are interesting, but savour more of the magazine art than do the others. In discussing the persistence of burial customs the placing of a coin in the mouth of the corpse for Charon's fee, it mi not have been out of place to mention that to this day the practice c

tinues in the Greek islands, along with many other relics of the ancient religion which have been sanctified by the conversion of Demeter and Artemis, and probably others of the ancient gods, into Christian saints.

In the essays which deal most with the new excavations the author seems to feel most at home, and to write most fluently and forcibly. It may well startle the general reader to be told, even with reservation, that we have recovered at Mycenae the graves of the Pelopid race of monarchs (p. 83). From confirming the truth of Homer, the Greek's bible, Professor Gardner passes to Egypt, and confirms in his essay on Naucratis the words of Jeremiah (xliii. 9, 10) where he prophesies at Tahpanhes (Daphnae) an invasion of Egypt by Nebuchadnezzar, who is to set his throne upon the stones hid there by Jeremiah, so that the flight of the Jews from their own land, with their king's daughter, will be in vain. Hitherto this prophecy was supposed to have been unfulfilled. Now Mr. Petrie, in excavating at Daphnae a palace still called 'the house of the Jew's daughter,' has apparently discovered the place of which Jeremiah spoke, and even the pavement on which Nebuchadnezzar was to pitch his tent (p. 199).

To Phrygia Professor Gardner, agreeing with Professor Ramsay, attributes a very extensive influence on many sides of Greek life. The form of the Greek temple he considers came from Asia Minor (p. 41). But, in the manner of his statement at least, the author seems somewhat unfair to the Phrygian religion. 'It seems,' he says, 'that in Phrygian belief those who died became in some sense identified with the national divinities, losing their lives to become absorbed in one higher and more general.' From this, he argues, came the soft and cowardly traits of the Phrygian character. The conclusion seems not a necessary one from the premises. The statement would answer perfectly for a popular definition of Buddhism, yet Buddhists are neither more soft nor more cowardly than the votaries of other religions.

Professor Gardner deals too gently with the argument that the remains of the burnt city at Hissarlik are of the same date as the remains of Mycenae, because at Hissarlik ornaments were found of the same patterns as those at Mycenae. The argument proves so much that it proves nothing. Patterns identical with Mycenæan patterns are found on the sculptured stones of Scotland; yet no one has suggested that these stones are of the same date, or have necessarily any direct connexion with the remains at Mycenae.

In handling such a thorny subject as the Homeric question it is necessary to proceed with caution. One view of the tale of Troy is mentioned only to be put aside, although it would be 'satisfactory to archæologists.' This view is that 'the author of the *Iliad* converted traditions of a siege and capture by the invading Trojans of Ilium, when it was still in the hands of a Syro-Cappadocian population, into his own story of a siege and capture of the Trojan Ilium by the Greeks' (p. 53). Professor Gardner does not, for his own part, regard the art treasures of Mycenae as productions contemporary with the *Iliad* and *Odyssey*. The Mycenæan remains he considers earlier; 'the art familiar to the authors of the *Iliad* and *Odyssey* is, in many respects, like the art revealed at Mycenae, but distinctly later, and showing clear evidence of

degradation' (p. 118). The old theory that the description of Achilles's shield is drawn from Phœnician art he cannot away with. 'The art of the great Achæan age they probably knew by tradition and by survival, while perhaps the art of their contemporaries was rather like that of the Dipylon vases, or, at all events, a degraded descendant of the Achæan' (p. 135). He is on the side of those who regard the *Iliad* and *Odyssey* as 'composite in origin and conventional in language' (p. 119), but refuses to accept the view of Monro and Leaf that most of the poems were composed by Achæans before the Dorian conquest, and taken over to Asia by the colonists. He does not consider the possibility of the 'Achilleid' being composed in Thessaly and carried thence to the Æolian colonists, who spoke what was practically the same dialect.

It may be doubted whether the remark (p. 161) that the *Cypria* had apparently 'greater influence over the poets and painters of Greece than the poems of Homer' is correct. May it not be that the question was not one of popularity, as far, at least, as the poets were concerned, but one of expediency? Aristotle thought that the *Iliad* and *Odyssey* did not lend themselves to supplying a variety of themes for other works (*Poetics*, xxiii. 4), and he cites the *Cypria* specifically as an example of the contrary.

The book is beautifully printed and illustrated with various plans—the palace at Hissarlik, the acropolis of Mycenae, the upper citadel of Tiryns, the Athenian acropolis, Olympia, and Eleusis. There are also some engravings of antique ornaments from Mycenae and elsewhere amongst others the beautiful figures from the cups found at Vaphio or Bapheion.

There are a few misprints; *achitectural* (238) and *Telmachus* (107) are obvious slips, but there must have been some carelessness in proof reading to pass *Reubens* (248) as a companion name to Michael Angelo.

The book is one well worth reading, whether one accepts Professor Gardner's views on the influence of Phrygia and Egypt on Greece and his theory of the Homeric problem or not. And, unlike so many books worth reading, it is not a trial to the reader to get through it. Professor Gardner has escaped one of the demerits of virtue: he is never dull. P. GILES.

Vicaires et Comtes d'Afrique. Par A. CLÉMENT PALLU DE LESSERT. Constantine: Braham. (Paris: Pédone Lauriel. 1892.)

M. PALLU DE LESSERT, already known by his work on the governors of Mauretania and other monographs on Roman Africa, has reprinted from the 26th volume of the 'Recueil' of the Société Archéologique de Constantine a reconstruction of the list of vicarii and comites of Africa. Belonging to the class of works of which M. Waddington's 'Fastes des Provinces Asiatiques' was the earliest example, M. Pallu de Lessert's investigations forms a sort of complement to C. Tissot's 'Fastes de la Province Romaine d'Afrique,' and is an illustration of the thoroughness with which the French are working the subject of Roman Africa. It is a sufficient testimonial to the excellence of the work before us that M. Cagnat, in his recently published history of the Roman army in Africa, speaks of it with special approval and has accepted its main results.

The evidence on which the reconstruction of these lists of provincial officials is based is naturally fragmentary in every case, but in some respects the student has an easier task in dealing with the fourth century than with the early and middle empire. A glance at, say, Liebenam's book on the 'Legati Caesaris' shows that inscriptions are the main source of information about the provincial governors of the first three centuries. The present book shows that for the later period most of the references are not to inscriptions but to the Theodosian code; and it is obvious that dated imperial documents addressed to particular governors afford far more satisfactory evidence than, for instance, the inscriptions belonging to statues erected in honour of a governor, which give us indeed his name and official career, but seldom any definite chronological data. It is significant that the uncertain cases printed at the end of M. Pallu de Lessert's work are just those which depend on inscriptions only. In both periods, of course, a certain amount of information is derived from literary sources; but here again, for the purposes which we are considering, the later period compares favourably with the earlier. If, with the exception of Ammianus, we are deprived of the better class of historians, the ecclesiastical writers come into prominence, and nowhere more than in Africa, where by their help the outlines of a veritable provincial history may be reconstructed to which the earlier period offers no parallel. With this history, owing to the active part taken by the imperial government in the religious controversies of the fourth century, the provincial officials are intimately connected, and hence it is that the value of a book like M. Pallu de Lessert's does not consist merely in the completion of official lists; it is a contribution to the history of the time. Formally we have a succession of names of vicars and counts, and a statement of the grounds on which a particular place in the chronological order is assigned to them; behind all this, and giving a sort of continuity to it, is the struggle between Donatism and the catholic church, coinciding in its beginnings with the establishment of the new administrative system of Diocletian and Constantine, gradually assuming a serious political aspect by the alliance of the defeated party with the Circumcelliones, and finally by its relations to the revolts of Firmus and of Gildo (M. Pallu de Lessert reminds us that the Donatists were called Firmiani) giving evidence of that disintegration of Roman rule in Africa which made the task of the Vandals comparatively easy and their victory welcome to the religious opposition. Into the many points raised it is impossible to enter here, but of special importance is the treatment of the case of Felix of Aptunga (p. 42 *sqq.*) so far as it concerns the identity of the Vicarius Aelius Paulinus, whom M. Pallu de Lessert, as against Duchesne, is inclined to identify with the Verus of the letter of Constantine to Petronius Probianus.

M. Pallu de Lessert has prefixed to his history of the vicarii and comites of Africa a useful account of their origin and functions, of their subordinates, and, in the case of the Comes Africae, of the military force which he commanded. With regard to the latter it may be noted that he treats the Tertio Augustani of the 'Notitia' as only a *souvenir* of the Legio III Augusta of the earlier period. M. Cagnat, with others, sees no reason for doubting the actual continuity of the old legion, though its numbers

were no doubt reduced. Of more importance is the list in the 'Notitia' of the *limites* attached to the command of the comes, to the explanation and identification of which modern discoveries have contributed so much since the time of Böcking. M. Pallu de Lessert gives a good summary of the present state of the question, but he makes no attempt to explain the remarkable fact that some of the *limites* which belonged to the sphere of the dux Mauretaniae occur also in the list of those attached to the comes Africae. This, as M. Cagnat has pointed out, can only imply an extension of the sphere of the comes and a corresponding partial subordination of the dux to him, and in this connexion one cannot forget that only a few years before the 'Notitia' was drawn up Gildo bore the extraordinary title of *comes et magister utriusque militiae per Africam.* M. Pallu de Lessert calls attention to this in its proper place (p. 21); only he thinks the rank was *purement honorifique.*

There do not appear to be any serious errors in this book, and it can only be by an oversight that M. Pallu de Lessert has stated on p. 156 that Majorian's expedition of 458 reached Africa and was defeated there. The fleet was destroyed by fire at Carthagena, in Spain, in 460. It is rather late in the day to refer to Jordanes as 'Jornandes' (p. 133, n. 2).

G. McN. RUSHFORTH.

La Fin du Paganisme, Étude sur les dernières Luttes religieuses en Occident au 4me siècle. Par GASTON BOISSIER. (Paris: Hachette. 1891.)

THIS work does not profess to give a connected history of the events which it describes. It presents us rather with a series of social studies, dealing with the period during which Christian and pagan ideas and institutions were struggling together or becoming amalgamated under the rule of the first Christian emperors. At the same time, the unity of aim and the point of view selected give a real connexion to the several parts. The work is similar in character to other studies in social and religious history which have lately been produced by French scholars, a line in which, at present, the French genius seems to excel and for which the French language is peculiarly suitable medium. M. Boissier may be said to have done for the West, in a rather more regular and connected way, what M. Petit de Julleville has in his admirable monographs accomplished for the East. The work is marked throughout by breadth of view, the result of wide reading by sympathetic insight into character, and by a delightful sense of humour as well as by vigour and terseness of style. He endeavours to maintain strict impartiality in all the controversies, and to avoid giving them a modern tone. *Le plaisir que j'ai trouvé à vivre au milieu des événements du passé m'a permis de fermer l'oreille aux querelles d'aujourd'hui.* In inquiring into such subjects as the number and violence of the persecutions he avoids any touch of party prejudice. Yet, in investigating the discussion about removing the altar of Victory from the senate, he cannot resist the temptation of advising French secularists to study and make use of the arguments of St. Ambrose.

The sources of the work are almost entirely literary. Thus, although we have reference to newly discovered manuscripts, and to inscriptions, not much fresh material is brought forward, but the old is construct

employed with very good result. M. Boissier has studied the works of German writers (especially Schultze) who have recently preceded him on the same path, and uses ancient and modern authors with considerable critical power. But the secret of his success seems to lie in the method he adopts of concentrating his attention on the life and thoughts of a certain number of typical representatives of the various phases of social life, not generally the men of greatest power and genius (except in the case of St. Augustine), but those whose writings, private and public, enable us most readily to enter into the spirit of their times. Having absorbed their ideas and thoroughly realised their tone and their environment, he endeavours to show us their world as seen from their special points of view, and thus to appreciate the character and relative importance of the moral and intellectual forces at work around them.

It must perhaps be regarded as a shortcoming in the work that it only touches incidentally the chief philosophic and religious systems which were of so great importance in the life of the times, and of which our author seems to have made no very special study. This defect may be due to the geographical limitations of the subject. The Neo-Platonic philosophy, the cosmological speculations of Gnostics and Manichees, the cults of Mithras and of the Great Mother, have, no doubt, their origin in the East, and in so far as they influenced Western thought and life M. Boissier has not ignored them. He has, indeed, given some account of the position of Helios in the religion of Julian, but here he simply follows M. Naville, and in one or two passages he writes as if Neo-Platonists and Neo-Pythagoreans were actual followers of Plato and Pythagoras. Of the Manichees he speaks in terms of scarcely merited contempt. To a complete survey of Western thought a more adequate appreciation of oriental elements would be necessary; but, as already stated, completeness is not claimed by M. Boissier for his work.

To sketch briefly the plan of the volume: the first book treats of the triumph of Christianity. The author considers the persecution of Diocletian (which he would attribute more to Diocletian himself, and less to Galerius than some recent writers have done) and the religious attitude of Constantius Chlorus and of Constantine. The motives of Constantine seem to him to have been obscured by writers who felt bound to discover a subtle policy rather than more obvious and simple courses of action. He discusses the character and origin of the Edict of Milan, of which he attributes the principle to Constantine himself and the wording to the imperial secretaries. He thinks that Constantine, in spite of a desire to assert his own supremacy, meant to adhere all through his life to the policy of this edict. The character of the reaction led by Julian, his efforts to purify the polytheistic system, and his measures against Christian influence in education, are well and lucidly treated, though the movement belongs more closely, of course, to the eastern part of the empire. The second book is the most important. It contains a very clear and interesting examination of the educational system of the time, and shows how, while that system was essentially pagan, various causes prevented the introduction of Christian literature into the schools. Perhaps, in treating of the encroachment of rhetoric over the whole field of study, while popular political assemblies had ceased to exist, M. Boissier neglects the practical

importance of forensic eloquence. It seems rather an exaggeration to say of rhetoric, *Autrefois, elle prèparait aux luttes politiques; maintenant, elle devient son but à elle-même*, since we have evidence that it could yet win triumphs in the law courts. This is, however, a detail. The main point set forth is that the chief reason why paganism, so to speak, died hard, is to be found in the conservative influence of literary education. *Par cette ouverture presque toute l'antiquité païenne a passé.*

In the third book the influences of pagan literary education and habits are traced in some distinctly Christian works: in the treatise *De pallio* of Tertullian, in some strange omissions from the 'Octavius' of Minucius Felix, in the grammatical and literary studies of St. Augustine (even during the retreat in which he was preparing for baptism), and in the conflict of pagan and Christian tastes in the mind of St. Jerome. The fourth book takes up the rise of Christian poetry. This is, of course, treated both on the literary and on the historical side. The importance of the Sibylline writings is shown, in that they contain the one solitary monument of democratic disaffection against the oppressions of the empire. A section is devoted to the poetry of Commodian, a chapter to St. Paulinus of Nola, and another to the poet Prudentius, the typical Gaul and the typical Spaniard of early Christian society. In the fifth book we pass on to a description of Roman society at the time, mainly based on the letters and other writings of Symmachus. The nature of the attacks made on Christianity by its adversaries, and the kind of compromise which existed in a mixed society, are illustrated from the literature of the fourth and the early fifth century.

The sixth book deals with 'the last struggles' under Valentinian I, Gratian, Valentinian II, and Theodosius. The attitude of Christianity to paganism as represented in St. Augustine's 'De Civitate Dei' is the subject of a detailed examination. The author next considers the view that the introduction of Christianity was the cause of the fall of the empire. He takes up in succession each of the main causes of the final collapse, and shows how they were all of them already in operation before Christian times. Lastly, the historical views of Orosius and Salvianus on the Romans and their reverses are examined and compared.

From this outline it will appear that M. Boissier's book comprises a great diversity of subjects, though all of them are grasped from one point of view; also that he has worked rather with a view to attracting others to this field than to exhausting its riches himself. ALICE GARDNER.

Palestine under the Moslems: a description of Syria and the Holy Land, A.D. 650–1500. Translated from the works of the mediæval Arab geographers by GUY LE STRANGE. Published for the Committee of the Palestine Exploration Fund. (London: A. Watt. 1890.)

MR. GUY LE STRANGE, who began his literary work with a spirited translation of a Persian comedy, has turned his studious attention to the extensive and very partially digested literature of the Arabs, and, following up his version of El-Mukaddesi's 'Description of Syria' in the tenth century for the 'Palestine Pilgrims' Text Society,' has produced an important and even exhaustive work on the geography of Syria during the middle ages,

from the Arab conquest under the Khalif 'Omar in 636 to the annexation of Syria by the 'Othmânli Sultan Selîm I in 1516. The materials for this period are ample, for the Mohammedans were famous as geographers. As soon as they began to write books, which was scarcely till they had felt the educating influence of sovereignty for two centuries, the first thing they did was to prepare road books for the pilgrims who had to find their way to Mecca. The sacred duty of pilgrimage has, indeed, proved of inestimable service to students of medieval geography and history. It has spurred on the usually home-staying Muslim to extraordinary feats of travel, and produced such authorities as Nâsir-i-Khusrau, Ibn Jubeyr, and Ibn Batûta; the first a Persian of Balkh, the second a Moor of Valencia, the third a Berber of Tangier, but all three drawn by the same religious duty to the focus of their faith. Stimulated by the demands of the pilgrims, the government officials prepared road books and statistics. Thus Ibn Khurdâdbih, postmaster-general of the province of Jibâl (or Media), wrote his 'Handbook of Routes and Countries,' in the ninth century, and at nearly the same time Kudâma, of the Baghdâd exchequer, drew up his statistics of the revenues of the various provinces. Soon the road book developed into a minute and ordered description of the Mohammedan empire, with the detailed accounts of the chief cities and places of note; and we find in the tenth century El-Istakhri and his editor Ibn-Haukal writing the first systematic Arab geography, and their younger and more interesting contemporary, El-Mukaddesi, improving upon their example. Finally comes the complete alphabetical geographical dictionary of Yâkût, a Greek slave of good education, who wandered all over the provinces of Islam in the beginning of the thirteenth century, and completed his magnificent 'Mu'jam el-Buldân' in 1225. These are the best known and most generally useful authorities; but Mr. Le Strange enumerates altogether twenty-four chief sources for his work, including El-Mes'ûdi the historian, and Abu-l-Fidâ, prince of Hamah, more famous for his annals of Islam than for his authoritative description of his native province. Indeed, many of these geographers were historians as well, and all their writings abound in historical allusions and often contain transcripts of important inscriptions. When it is remembered how varied were the phases through which the history of Syria passed between the seventh and the fifteenth centuries, it will be understood that Mr. Le Strange's extracts from the medieval geographers contain much that is of high historical value. The field covers the Ommayad Khalifate of Damascus; that of the 'Abbasids at Baghdad, the rule in Syria of the Egyptian dynasties of Ibn-Tûlûn and El-Ikhshîd and of the Fâtimî khalifs; the dominion of the Hamdânîs and Seljûks, of Nûr-ed-dîn and Saladin; the Latin kingdom of Jerusalem and the conquests of the crusaders; the raids of Hulagu the Mongol and the victorious campaigns of Beybars and El-Ashraf Khalîl, the Mamlûk Sultans of Egypt; and finally the foray of Tamerlane and the paralysis of all energy under the depressing domination of the Turks. On all these phases, except the last, Mr. Le Strange's work throws incidental light. After a general description of Syria, drawn from his abundant authorities, he proceeds to give a minute historical description of Jerusalem and its holy places, running to about 150 pages, and including a masterly analysis of all the evidence

[illegible] gold and silver [illegible] should be [illegible] and the account of the [illegible] gold and silver coins in p. 44 appears [illegible] Low Mr. Le Strange in his [illegible] and the Nile.

STANLEY LANE-POOLE.

History of the Jews from the Earliest Times to the Present Day. By [illegible] especially revised for this English Edition by the Author. Edited and in part translated by BELLA LÖWY. Vols III [illegible] (London: Nutt, 1892.)

[illegible] and the first two volumes (above, vol. vi. 772) the author ha[illegible] suddenly, at the age of 71, but still vigorous, and strong t[illegible] We are well aware that many will consider it wron[illegible] and mistaken in a posthumous work. If we now do otherwise, i[illegible] in view of a second edition of this important work, which we ar[illegible] be needed. Here something more than revision will b[illegible] The English of the translation exceedingly unsati[illegible] but the omission of the notes destroys the scientific value of th[illegible] The student ought to know upon what documents the statemen[illegible] Besides this a number of historical statemen[illegible] the author overlooked many scatter[illegible] the appearance of which he could not keep pace wit[illegible] vigour upon an edition of a critical text of th[illegible] the press under the supervision [illegible] the chapter on t[illegible]

Karaites is still based on documents which have been proved to be spurious. We still read in the third volume of early communities 'on the shores of the Black Sea and the Straits of Theodosia (Kaffa), inland in Sulchat, Solgat, now Eski-Crimea, in Phanagoria, now Taman, and on the Bosphorus (Kertch), which lies opposite.' All this is the invention of the late Firkowitsch, who forged entire documents and fabricated dates in others. There is still mention of Rabbi Simon from (of?) Cairo (whose name, by the way, does not appear in the index) as the author of a ritual compendium about 900. It was, however, shown a long time ago that the manuscripts read not Cairo but Kayyara, probably a place in Mesopotamia. Besides, Cairo was only founded in the year 973. The history of the Babylonian schools and of those of Kairowan and Gabes (in Tunisia) has acquired another aspect since the last edition of the 'Responsa,' ably edited by Dr. Harkavy of St. Petersburg; but no use has been made of it in the English edition. Moreover, documents which the late Dr. Graetz could not have seen must also be taken into consideration. There are, for instance, documents concerning Southern Italy, the Crusades, and the life of Saadiah, the last published by Dr. Harkavy. All this refers to the third volume only. For the two other volumes there will be less additions and fewer alterations necessary, but here, too, at least short notes are indispensable.

The German work of Professor Graetz concludes with the year 1848. The English compilation has the advantage of the continuation of the history of the Jews up to our date, terminating with the rise of the latest phase of anti-Semitism. It would be superfluous to show that the reader will at times find here the subjective impressions of the deceased author, which could not be otherwise with his lively imagination and quick impressibility. The fifth volume concludes with a chapter headed 'Retrospect,' which describes the Jews' wonderful struggle for existence as compared with great nations like the Greeks and the Romans, who fell in spite of their greatness in poetry and art on the one hand, and in legislation of all kinds and arms on the other. Why did they fall, asks our author? The answer is, because 'they had no decided and clearly defined mission.' The Hebrew people, on the other hand, had to fulfil the life-task by which it was held together, and by which in direst misfortune it was comforted and preserved. A nation cognisant of its mission becomes strong and consolidated, and forbears to spend its existence in futile dreaming and scheming. From a national point of view it was the mission of the Israelites to work out their self-discipline, to overcome or regulate their selfish desires, to gain the full force of resignation, or, to use the words of the prophet, 'to circumcise the heart.' After having sketched the vicissitudes in the treatment of the Jews from the earliest epoch to the Spanish exile in 1492, Dr. Graetz concludes his enthusiastic reflexions upon the continued existence of the Jews in the following words: 'In any case, the Jewish nation is an extraordinary phenomenon, dating as it does from hoary antiquity, but possessing youthful vigour, having passed through numberless vicissitudes, and yet remaining ever true to itself.'

A. NEUBAUER.

Städte und Gilden der Germanischen Völker im Mittelalter. Von KARL HEGEL. 2 vols. (Leipzig: Duncker & Humblot. 1891.)

IN 1847 Professor Hegel published his 'Geschichte der Städteverfassung von Italien,' in which he for the first time effectually disproved the theory of the Roman origin of medieval municipal constitutions. His present work has been written with a somewhat similar purpose. This time it is the theory that finds the origin of town constitutions in the gild that has called him again to the strife. That theory has by its supporters mainly been applied to northern Europe, and it is, therefore, to northern Europe that Professor Hegel now confines his investigations. The exclusion of South Germany is due to the theory of Nitzsch about the *grosse Gilde*, which that author discovered in the north only.

Professor Hegel's book shows in a marked degree all the merits of his previous work, which may most easily be expressed in the words he applies[1] to the bishop of Oxford's 'Constitutional History of England:' '*Es ist hier der richtige Weg historischer Behandlung eingeschlagen, welche vor allem das Besondere zu seinem Rechte kommen lässt und sich nur mit Vorsicht zum Allgemeinen bekennt.*' There is no system-building, but a vast store of facts stated with extraordinary precision and arranged with beautiful clearness. For a student who wishes to be initiated in the mazes of municipal constitutional history, and in the history of gilds in the countries coming within its ken, no better book could be indicated. He will also find the sources and the previous literature well noticed. But its greatest merit, to our mind, is its wide geographical range. It makes it unmistakably clear that any deduction of theories as to the origin of the institutions of any one country should be preceded by a study of the facts of the corresponding part of the history of kindred nations.

On the shortcomings of the book, slight though they are, we can in the nature of things hardly help dwelling somewhat longer. These are in part owing to the polemical intentions of the author, and in part to his method. One of them is the peculiar geographical limitation which has been already noticed. To the same cause may be referred the combination of a history of the constitutions of towns with that of gilds, inasmuch as the author does not confine himself to those gilds and associations that come in question for the former; but this leads on to a more important issue. The principle involved in the whole question does not always seem fully grasped. Hegel indeed, makes it quite clear that nowhere in the countries he deals with did the town community and its organisation spring from a gild and, no doubt, the certainty of this is a thing most welcome. But it does not quite solve the problem. In the preface (p. vi) Hegel mentions Professor Gierke as a principal champion of the gild theory. Now, we do not for a moment wish to defend Gierke's use of the word 'gild' in a sense much wider than what is warranted by history. The event has shown that this has led to misunderstanding and confusion. Neither do we want otherwise to confess ourselves adherents of Gierke's theory on the

[1] Vol. i. p. 18.

question as worked out in his 'Deutsches Genossenschaftsrecht.' But the question remains, is there not some grain of truth in Gierke's theory? Has not the principle of voluntary association had something to do with the shaping of municipal constitutions? Or is, on the other hand, Dr. von Below right in declaring the town community to be in principle identical with the village community, and its organisation to be simply a development of the organisation of the latter? This, it seems to us, is how the question at present stands, and to this no direct answer is returned. Gierke too takes the natural village community as the basis of the town community; but he thinks that the former was transformed into the latter only by the adoption and absorption of a new element, which he calls *das Princip der freien Einung*. At the same time he is far from maintaining that this principle has always taken a definite shape, as in a commune or gild, or that the communes of the French towns were really gilds.

Taken in a wider sense the town constitution has a double source, a public and a communal. The public source consists in such ordinances as the government of the land shall have appointed for the towns under its jurisdiction. The communal source consists in the customs of, and the bye-laws passed by, the organs of the town community. Of course in some of the countries under notice one of these sources has been the more powerful, in others the other. Now, the town community has nowhere had its origin in free association. It is everywhere the natural local community augmented by such settlers as the protection offered by the city walls, the privileges enjoyed by the inhabitants, and the attractions of trade may have induced to take up their dwelling in the town. But has this community remained a body of essentially the same kind when it was no longer a village community, but a town community? And are all the changes we see merely accidental and due simply to the privileges granted by the lord of the town and to administrative needs? Or did not rather the great influx of foreign elements, of so many individuals not naturally connected with the original community among which they settled or with each other, introduce an element of free association, without which those great constitutional changes would have been impossible? In the end certainly the town community was different in kind. The conditions of membership, for one thing, had changed. And in England, at any rate, while the village community remained what it was, the borough developed into a corporation, the most distinguishing feature of which was the power to hold real property in succession, which the village always lacked.[2]

An evident example of the working of the principle is the influence of the English gild merchant, especially in the towns of mesne lords.[3] In some English charters it is said that villeins shall not be reclaimable by their lords, if they have stayed in the town a year and a day and are in the gild merchant. The instances given by Dr. Gross[4] seem decidedly to establish the correctness of the first of the several explana-

[2] For England the matter is well set forth in Gross, *Gild Merchant*, i. 93–98.
[3] Cf. *ibid.* i. 90–92.
[4] *Ibid.* i. 9, note 3, ii. 16, 194, 356, 376; cf. Hegel, i. 67, note 6.

ments' in twenty-eight articles is the original, and not the longer one, having twenty-six articles more. If, then, the thirtieth article, which provides that nobody may stay in the city longer than a year and a day without joining the commune, be an addition to the original, it does not follow that at first residents might please themselves on this head.[13]

Nor do we see reason to suppose—what Hegel thinks a matter of course[14]—that the clergy and nobility were always and on principle excluded. No doubt the burghers, in the stricter sense, formed the staple of the members: but we gather from the accounts preserved that in times of disorder and violence all the inhabitants of a town—that is, of course, those that were in a sufficiently independent position—united to re-establish peace and order, to help the wronged to be righted, and to see the wrong-doers punished; and we cannot believe that this would have been possible so long as such leading members of the community as the clergy and the knights were excluded from taking a part in it. In fact, some of the documents clearly state the reverse.

We will lay no stress on the story of the commune sworn by the people of Le Mans during the absence of Duke William in England, when *eiusdem regionis proceres* were forced by the people to join, although we see no reason why this should not be counted a real commune.[15] But the regular order is, perhaps, best expressed in the 'Etablissements de Saint-Quentin,' in the old French translation of the 'Livre Rouge d'Eu,' to which town the charter of St. Quentin was communicated before 1151. This paragraph reads: *Comme bourjois, chevaliers et clers de Saint-Quaintin sauve l'ordre de leur clergie, par l'otroy et par la liscensce du comte Herbert et de sa fame par le serment de cheux de cheste quemune jurerent fermement a tenir et confermerent par seremens a warder et a tenir, sauve la fenté de Dieu et de saint Quaintin, et ensement sauve le droiture du conte et de le contesse.*[16] We have preferred this text to that of the charter of Philip Augustus of 1195, quoted by Hegel,[17] partly because of its distinctly referring to the *bourjois, chevaliers et clers de Saint-Quaintin*, and partly because it goes back to an older original. The charter of Philip Augustus runs, § 2, *Cum primum communia acquisita fuit, omnes Viromandiae pares, qui tunc temporis maiores habebantur, et omnes clerici, salvo suo ordine, omnesque milites salva fidelitate comitis firmiter tenendam iuraverunt.*[18] The French version seems to have escaped Hegel's notice, and it should perhaps be stated that the count Herbert mentioned in it reigned from 1045 to 1080,[19] and that therefore the commune of St. Quentin ranks in age with those of Cambrai and Le Mans. The clergy and military then swore the oath of the commune, and belonged to it in all respects that did not clash with the peculiar

[13] *Ibid.* ii. 4. [14] *Ibid.* ii. 29, 112.

[15] *Ibid.* ii. 30 *sqq.* Compare Freeman's *Norman Conquest*, vol. iv. 2nd ed. pp. 548 *sqq.*

[16] Giry, 'Etude sur les Origines de la Commune de Saint-Quentin,' in *Archives Anciennes de la Ville de Saint-Quentin*, publiées par E. Lemaire, vol. i. St. Quentin, 1888.

[17] Hegel, ii. 52.

[18] *Le Livre Rouge de l'Hôtel de Ville de Saint-Quentin*, p. 2, St. Quentin, 1881; Hegel, ii. 52, note 4.

[19] Giry, *Saint-Quentin*, p. xiii.

tions he offers[4] of the passage in Glanvill: *Si quis nativus quiete per annum et unum diem in aliqua villa privilegiata manserit, ita quod se servum communam scilicet gildam, tanquam civis, receptus fuerit, ac ipso a villenagio liberabitur.* Hegel's construction[5] that by *communa* is meant the town community, and that villeins are to be received as burgesses through the intermediary of a gild, seems to us inadmissible. Glanvill might very well describe the gild merchant as a *communa*, but hardly the town community, when in his day the London commune of 1191 was reckoned something quite anomalous. The tie that bound together the inhabitants of an English borough was as yet a comparatively loose one, and the gild merchant formed practically the only close-knit body among them. Of course, some towns had no gild merchant, and in the charters of some that had the clause does not occur. But Glanvill's theory need not be pressed to cover all practical cases. Hegel points out that in all the most important towns, such as London, Bristol, York, Exeter, Yarmouth, the gild merchant either never existed at all or very soon disappeared.[7] It would thus seem that it was found to be a hindrance wherever trade expanded, and that it was better adapted to the needs of the retailer than to those of the merchant in the modern sense. And for political purposes it could the more easily be dispensed with the more independent the burghers felt. Similarly it is just in the most important Flemish towns—Bruges, Ghent, Ypres—that no commune was entered into.[8]

It is, however, in the communes of the French and Belgian towns that this element of free association has taken its most marked form. Of course in many cases the commune was introduced by the king or other lord, and in all it was based on the natural local community. As to what was the state of the towns previous to the erection of the commune, we have next to no evidence. It must have been very various; but in all cases the town must already have formed a separate judicial and administrative district, except, of course, where a village was newly raised to the rank of a town. The public element in its constitution was then already present, and the communal at least as far as it existed in every village. But some of the documents relating to the establishment of a commune much more than others bear the character of remodelling the constitution of the town. Compare the 'Établissements de Rouen,' in which the mode of appointing a mayor and the election of the *echevins* and *conseillers* is provided for,[9] with the considerably older 'Institutio Pacis' of Laon, where the communal constitution is already taken for granted. What ever may have been the case afterwards, all the first communes must be credited to the action of the people. To our mind there can be no doubt that all the inhabitants were obliged to join, as in some charters it is expressly stated. We are inclined to think that Hegel,[10] as opposed to Giry, is right in maintaining that the shorter edition of the 'Établis-

[4] Gild Merchant, i. 167 sq.
[5] Ibid. i. 80 sqq.
[7] Giry, Les Établissements de Rouen, ii. 4 sqq.
[8] Giry, Documents sur les Établissements de Rouen, pp. lx sq.
[9] Hegel, vol. ii.
[10] Hegel does not

ments' in twenty-eight articles is the original, and not the longer one, having twenty-six articles more. If, then, the thirtieth article, which provides that nobody may stay in the city longer than a year and a day without joining the commune, be an addition to the original, it does not follow that at first residents might please themselves on this head.[13]

Nor do we see reason to suppose—what Hegel thinks a matter of course [14]—that the clergy and nobility were always and on principle excluded. No doubt the burghers, in the stricter sense, formed the staple of the members; but we gather from the accounts preserved that in times of disorder and violence all the inhabitants of a town—that is, of course, those that were in a sufficiently independent position—united to re-establish peace and order, to help the wronged to be righted, and to see the wrong-doers punished; and we cannot believe that this would have been possible so long as such leading members of the community as the clergy and the knights were excluded from taking a part in it. In fact, some of the documents clearly state the reverse.

We will lay no stress on the story of the commune sworn by the people of Le Mans during the absence of Duke William in England, when *eiusdem regionis proceres* were forced by the people to join, although we see no reason why this should not be counted a real commune.[15] But the regular order is, perhaps, best expressed in the 'Etablissements de Saint-Quentin,' in the old French translation of the 'Livre Rouge d'Eu,' to which town the charter of St. Quentin was communicated before 1151. This paragraph reads: *Comme bourgois, chevaliers et clers de Saint-Quaintin sauve l'ordre de leur clergie, par l'otroy et par la liscensce du comte Herbert et de sa fame par le serment de cheux de cheste quemune jurerent fermement a tenir et confermerent par seremens a warder et a tenir, sauve la feuté de Dieu et de saint Quaintin, et ensement sauve le droiture du conte et de le contesse.*[16] We have preferred this text to that of the charter of Philip Augustus of 1195, quoted by Hegel,[17] partly because of its distinctly referring to the *bourgois, chevaliers et clers de Saint-Quaintin*, and partly because it goes back to an older original. The charter of Philip Augustus runs, § 2, *Cum primum communia acquisita fuit, omnes Viromandiae pares, qui tunc temporis maiores habebantur, et omnes clerici, salvo suo ordine, omnesque milites salva fidelitate comitis firmiter tenendam iuraverunt.*[18] The French version seems to have escaped Hegel's notice, and it should perhaps be stated that the count Herbert mentioned in it reigned from 1045 to 1080,[19] and that therefore the commune of St. Quentin ranks in age with those of Cambrai and Le Mans. The clergy and military then swore the oath of the commune, and belonged to it in all respects that did not clash with the peculiar

[13] *Ibid.* ii. 4. [14] *Ibid.* ii. 29, 112.

[15] *Ibid.* ii. 30 *sqq.* Compare Freeman's *Norman Conquest*, vol. iv. 2nd ed. pp. 548 *sqq.*

[16] Giry, 'Etude sur les Origines de la Commune de Saint-Quentin,' in *Archives Anciennes de la Ville de Saint-Quentin*, publiées par E. Lemaire, vol. i. St. Quentin, 1888.

[17] Hegel, ii. 52.

[18] *Le Livre Rouge de l'Hôtel de Ville de Saint-Quentin*, p. 2, St. Quentin, 1881; Hegel, ii. 52, note 4.

[19] Giry, *Saint-Quentin*, p. xiii.

duties of their orders. In the 'Institutio Pacis' of Laon of 1128, already referred to, the eighteenth article[20] speaks of the *proceres qui de pace sunt*; in § 24[21] *milites civitatis* are mentioned; and in § 4[22] persons *de ipsa civitate* having not only a *peculialis familia* but even *mercenarii*, who enjoyed the privilege of not being obliged to leave the town, as the *familia* was, in case their master should be banished. Hegel[23] is carried by his theory to the length of declaring even the merchants of the same paragraph not to have been in the commune, solely because they are mentioned in a breath with clerks and knights. Evidently the *clerici*, *milites*, *mercatores indigene* are thus specified as forming the three chief classes of those that made up the commune. We can thus dispense with Hegel's somewhat artificial explanation that the protection afforded by this paragraph to the members of the commune consisted in the assurance offered to powerful outsiders that any offenders against them would be duly punished, so that they need not resort to self-help. All this, we think, shows that those comprised in a commune formed an association different in kind from the Teutonic village community, even quite apart from questions of incorporation. The commune, though having a natural basis, was artificial and essentially voluntary. Hegel's statement that it was no gild is, therefore, true, but it leaves the real point at issue untouched.

But, after all, the commune was only a form necessary, perhaps, as a safeguard against a too powerful lord, but not needed by towns placed in happier circumstances. It may, indeed, be said that all those medieval cities which attained the greatest and most lasting independence found that that independence was the better the less its growth was confined within bounds which could not be easily relaxed, though they might have been useful at first as securing the co-operation of those who might otherwise have been its enemies.

A peculiar case is that of Paris, where a company of merchants was not, indeed, the germ of the constitution, but was in a manner entrusted by the king with a large part of the management of the city, including the minor jurisdiction. The craft gilds, however, with very few exceptions, remained under the immediate authority of the royal prevost.

Another and very different instance is the Danish *summum convivium*, the original relations of which with the town are, perhaps, even more obscure. Professor Pappenheim[24] says that in Denmark the gild was younger than the town, but older than the town constitution. He thinks that it was the want of a constitution which led the townspeople to seek protection of their interests in a gild, and that the first object of the special jurisdiction of the gild was to bring about an exemption of the town from the herredsthing. This latter proposition seems to us untenable. The gild's jurisdiction was only private; the punishments did not extend beyond fines, and if a member proved contumacious nothing remained but to expel him.[25] It does not appear, therefore, how the gild

[20] Giry, *Documents*, or the 10th in the *Ordonnances des Rois*, as quoted by Hegel.
[21] *Ordonnances*, § 14.
[22] *Ibid.* § 2. [23] Hegel, ii. 44.
[24] *Die altdänischen Schutzgilden*, p. 430. Breslau, 1885.
[25] Pappenheim, 277 *sqq.*, 322 *sqq.*; Hegel, i. 142 *sq.*

can have brought about an exemption of the town from the public courts without. The true action of the gild lies in a different field. Pappenheim and Hegel are agreed that the gilds, or at any rate the kind of gild in question, were originally confined to the towns. The towns were peopled to a great extent by immigrants from the country round.[26] These people were by their change of abode separated from their kindred, and therefore from those who were legally bound to act with them in the law courts and who were their natural support in the manifold contingencies of life. It was their kindred's place which the gild in some measure undertook to supply. And its efforts received recognition on the part of the public authorities, notably in the demand of gild brethren as the townsman's compurgators in aggravated cases where the countryman had to swear either with his kinsmen, as in Jutland, or with twice the ordinary number of compurgators, as in other parts of the kingdom.[27] The gild would help to establish greater security of the life and property of its members, and therefore of everybody within the town. It would also train the burghers to combined action, and thus indirectly play a part in the development of the constitution. But there the public action of the gild ends. Hegel justly observes [28] that the distinct legal existence of the town began as soon as it was constituted a separate juridical and administrative district under a royal officer. But unfortunately we do not know when that happened. It is a noteworthy fact that a few instances are recorded in which the burghers of Danish towns were still liable to be called before the court of the mesne lord outside the town at a late date, and when the town already formed a separate legal district with a special law.[29] This points to the fallacy of the doctrine so common that it was the grant to the townspeople of exemption from the jurisdiction of foreign courts which led to making the towns juridical districts. But it also shows that the private jurisdiction of the gild can have had nothing to do with it. On the other hand, Hegel has not entered upon the constitutional influence of the gild; and accordingly he has failed to recognise this distinction between the *summum convivium* and the other gilds met with in Danish towns. He denies to the former the propriety of the term *Schutzgilde*, introduced by Wilda and adopted by Pappenheim. Although the protection of the brethren may not have been its sole function, yet the term happily characterises the peculiar office it had to fulfil, and its higher position, recognised by law. The common gilds were much younger and founded in a much more settled period.

To return to our general subject, we think, then, that by too closely adhering to a strict definition of the term gild, instead of following the ideas underlying the institution, Hegel has in a measure missed his mark. And this is closely connected with his way of dealing with the question of the origin of gilds, which is too exclusively based on a mere verbal derivation. No doubt a certain interest may be said to belong to the question whether the carousals of our heathen ancestors derived their name of gilds from the sacrifice offered to the gods on those

[26] Hegel, i. 140; Pappenheim, p. 61.
[27] Pappenheim, 103 *sqq.*
[28] Hegel, i. 244.
[29] *Ibid.* i. 172, Hadersleben, a. 1292; p. 189, Copenhagen, a. 1254.

occasions, as Hegel thinks, or from the contributions of the feasters. But, after all, it affects the origin of the institution even less than that other, whether the medieval gilds received their name from the festive meetings which formed so prominent a feature of gild life, or from the members' payments. The gilds did certainly not develop out of the common meals of the brethren and sisters. Wilda's and Hegel's so-called heathen element must, then, be discarded. Nor can we accept the Christian element. No doubt, Christian rites were introduced, and, no doubt, the Christian religion would influence gild brethren to the same extent as it did Teutonic life in general; but the gilds cannot be regarded as embodiments of the teachings of Christianity. Their system of succouring none but their members was, no doubt, a very rational one, but it certainly was one far removed from that spirit which would help all and call all brethren, and which the pagan Roman, as Tertullian tells us, derided in the Christian associations of his day.[30] Again, the oath belongs to the very essence of the thing. It has nothing to do with the feasts; but it is an element most native to the Teutonic legal system, but which the church again and again struggled to suppress. We cannot help thinking that Pappenheim has made good his contention that the sworn foster-brotherhood was the immediate forerunner of the gild, and the germ out of which at least the Danish institution most probably developed. But the one fact, it seems to us, is this, that the spirit of free association and organisation for a lasting, practical, and reasonable object was rife among our forefathers at an early age, and for this no further derivation need be sought. It needed no foreign example, but arose as soon as the general state of their civilisation allowed and required it, and it took very various shapes, such as the frith gild, the religious gild, the gild merchant, the *summum convivium*, the commune, according to the circumstances and the end in view.

It is well worth remarking that, as to the position of the gild merchant in England, Professor Hegel independently arrives at the same conclusions as Dr. Gross, whose book on the subject had not reached him when he wrote the chapters in question. It will, however, be found analysed in an appendix. Hegel here, however, makes a curious mistake in confusing the Convenery of craft gilds in Scotland with the gild merchant, which there always maintained its separate position. He also quotes Gross as explaining the term 'to be in scot and lot' as meaning a share in the public duties of the burgesses as well as in the payment of taxes,[31] whereas Gross takes pains to show that the whole phrase merely meant the participation in pecuniary charges.[32] 'Houseling people'[33] are, of course, communicants. The Dunegate mentioned in the charters of Henry II and John, for Rouen,[34] is Downgate or Dowgate, in London, adjoining the Steelyard, as has been already explained by Giry.[35]

The Anglo-Saxon gilds are treated in a more thorough and more satisfactory manner by Professor Hegel than by Dr. Gross, as are also the Anglo-Saxon burhs. It is our opinion that hardly any part of the

[30] Hegel, i. 10 *sq.*
[31] *Ibid.* i. 443; cf. 60 (note 1), 64.
[32] *Gild Merchant*, i. 54.
[33] Hegel, i. 104.
[34] Chéruel, *Histoire de Rouen*, i. 245, 248, 255; Hegel, ii. 12.
[35] *Etablissements de Rouen*, vol. ii. p. v.

history of other Teutonic lands throws so much light on the origin of the peculiar legal position of the towns in Germany as can be derived from a study of the place of the burh in the Anglo-Saxon system. We have here evidence of a distinct legal position of the town at a very early date and under primitive circumstances, thus showing the firstfruits of a purely native growth such as we do not find elsewhere. The burh—this name signifying a fortified place—is placed under a royal officer of its own, the wicgerefa or portgerefa, who also acts as the leader of the burhwaru, or burgesses. The burhgemot stands side by side with the hundred-gemot, and the fine for breaking the peace of the burh is several times as high as that for the same offence in the hundred. There is as yet no regular representative body of the burghers, but there are a considerable number of instances of their combined action. And, lastly, the royal mints and all commercial transactions are confined to the towns.

We have too long detained the reader in the discussion of a few questions, the chief of which Professor Hegel may advisedly have left outside the plan of his book, but to which a study of that book had given rise, and we feel that we have scarcely introduced him to the great store of interesting matter before us. We can only repeat our advice to the student of this branch of history to take 'Städte und Gilden der Germanischen Völker' for his guide. We shall often have occasion to refer to it, and shall never do so without a sincere feeling of gratitude to the author, who has, as he informs the reader, in his old age devoted ten years to this great work, and who has thus opened a path on which he invites younger men to follow him.

F. KEUTGEN.

Kultur- und Sittengeschichte der Italienischen Geistlichkeit im 10. *und* 11. *Jahrhundert.* Von ALBERT DRESDNER. (Breslau: Koebner. 1890.)

THE chief merit of this work lies in the abundant apparatus of evidence which the author has laboriously brought together and digested. In dealing with an age of which the records are scanty the student is apt to lay excessive stress upon isolated notices and upon the possibly exaggerated statements of abuses in the church made by the advocates of reform. Dr. Dresdner supplies him in the former case with the means of comparison with other notices of a similar kind, and in the latter places the charges of the reformers side by side with facts set out in contemporary documents and other testimony not open to the same suspicion. He also judges fairly and discriminatingly from his evidence. He does not, for example, follow Hermann Reuter to the length of believing that there was in the dark ages a conscious attempt to revive the religion of pagan Rome. Pagan elements there were in plenty, but that they were not deemed incompatible with Christian beliefs and usages is only another indication of the low state of intelligence at the time. In common speech and thought, as Dr. Dresdner remarks with regard to architecture, there were *heidnische und christliche Motive ganz naiv zusammengeworfen* (p. 264). Too much has been made of Rodulf Glaber's account of the classical enthusiast Vilgard of Ravenna, who *dicta poetarum per omnia credenda esse asserebat;* and even Dr. Dresdner thinks he *wollte die Schriften der antiken Klassiker zu einer Art neuen Evangeliums machen* (p. 121). In

truth the evidence is insufficient. Rodulf lived far from Ravenna, and he had a natural fondness for marvels. We have little doubt the story grew in telling. Dr. Dresdner has not displayed his usual care in examining the character of the Italian heresies of the eleventh century. The question of the diffusion of Paulicianism at that date is no doubt a hard one, but it should not on that account have been left altogether out of sight.

Dr. Dresdner—who deals as a rule only with the parts of Italy which came under the empire, excluding therefore the southern regions, of which the social and intellectual conditions were in many ways diverse—examines in detail for the two centuries preceding the first crusade the two main vices to which the Italian clergy fell a prey, secularisation and demoralisation, vices which centred in the two crying evils of simony and concubinage against which the Hildebrandine reformers made their stand. He collects the evidence bearing on the performance of ecclesiastical duties, as to which he arrives at a very unfavourable conclusion. At the same time he is above all things anxious to do the clergy justice. He notices how the military prelate is also the munificent founder of churches and monasteries; but he can hardly be serious in appealing to the pious phraseology of the charters given by clergymen even of the worst character (p. 123), for they certainly did not themselves draw up the deeds, and the terms are as a rule derived directly from some standard formulary. The subject of clerical morality is somewhat inconveniently divided between the fourth and seventh chapters, and the intervening chapters are concerned with a most valuable account of the intellectual life, religion, and superstition of the time. Dr. Dresdner has done an especially useful service by bringing together into one catalogue (pp. 234–55) all the notices he has observed of schools or of single scholars in Italy during the period of which he treats. We have subjected this list to some rigorous tests, and found it remarkably complete. The facts collected with reference to the external civilisation of the time are of interest for comparison with the prevalence of superstitious beliefs and customs. In dealing with ecclesiastical property, as also with the subject of simony, Dr. Dresdner takes occasion to bring out the political bearing of the position occupied by the clergy, but he wisely avoids the temptation of wandering into general history. His book deserves to be in the hands of all students of the dark ages, chiefly for its storehouse of facts and references, but also for its temperate and fair-minded conclusions.

REGINALD L. POOLE.

Ueber ostenglische Geschichtsquellen des 12., 13., 14. *Jahrhunderts, besonders den falschen Ingulf.* Von F. LIEBERMANN. Sonderabdruck aus dem xviii. Bande des Neuen Archivs der Gesellschaft für ältere deutsche Geschichtskunde. (Hannover: Hahn. 1892.)

THE false Ingulf, like poverty and the tax-collector, is always with us. For instance, within the last few months he has turned up in a book on English tenure and in a dissertation on Welsh laws; and as a rule when he is present the pseudo-Richard is not far off. The good easy man who reads English history not wisely but too well, and publishes what he calls

his results, is almost always a victim to these two impostors, just as he probably holds heterodox views upon the 'derivation' of local place-names. The presence of 'ps-I' is indeed an index of unfitness for consumption in any book written within the last thirty or forty years. But 'ps-I' and 'ps-R-C' have long been exposed, though we believe Mr. Bell still sells Ingulphus as well as a volume Mr. Bohn formerly published in which the Itinerary of Richard of Cirencester is set out in good English without any misgivings by the deceased Dr. Giles, 'late fellow of Corpus Christi College, Oxford.'

Dr. Liebermann, most industrious of German students of English history, has put together in a little paper printed as a doctor-Jubiläum compliment, a comprehensive conspectus of the East Anglian historical material, good and bad, of the chronicle kind during the thirteenth, fourteenth, and fifteenth centuries. *Für Englands künftigen Wattenbach möchte die folgende Untersuchung den Horizont an einer Stelle, dem östlichen Mittelland aufhellen*, says he, and goes on to consider the historians of Peterborough, Bury, Spalding, Crowland, touching on the lives of Wulthad, Wulfsige, Hereward, Guthlac, Waltheof, and other worthies, and finishing with an analysis of the sources and examination of the construction of the false Book of Peterborough 'Annales Burgo-Spaldingenses,' of the pseudo-Ingulf, of the false Peter of Blois, and of a number of manuscripts. Every page is full of suggestive matter; the dissection of the 'Vita Herewardi' is, for instance, particularly good. The Book of Hyde and the lost Book of Washingborough are also discussed, and the condition of knowledge of fourteenth and thirteenth century forgers well described. The brief business-like style of Dr. Liebermann and his useful references are noteworthy.

This little tract should be translated for distribution at congresses and other places where the untrained historian abounds. It may slay the pseudo-Ingulf microbe if it be not immortal. F. York Powell.

The Song of Dermot and the Earl: an Old French Poem from the Carew Manuscript, No. 596 in the Archiepiscopal Library at Lambeth Palace. Edited, with Literal Translation and Notes, by Goddard Henry Orpen. (Oxford: Clarendon Press. 1892.)

The Old French poem on the Anglo-Norman conquest of Ireland has long been known to scholars, first by means of English extracts, and afterwards, since Lappenberg [1] and V. Le Clerc,[2] in the edition published by Michel and Wright in 1837. But it was left for Mr. Orpen to place this ancient treasure in a worthy setting and enable even the general reader to appreciate it with ease. We are furnished with an accurate and clear English translation, printed opposite to the strangely corrupted Norman-French text. Besides giving an original map of Ireland about the year 1170, the editor describes its geography in detail; he adds chronological and genealogical tables, a short but sufficient glossary, and full indices of names and places. In seventy pages of most conscientious annotations he succeeds in solving many antiquarian riddles, especially in identifying the archaic Celtic names under their Anglo-Norman disguise. For this

[1] Art. 'Irland' in Ersch's *Encycl.* [2] *Hist. Littér.* xxiii.

purpose it was not sufficient to have studied the ancient authorities and modern disquisitions in local periodicals, and Mr. Orpen had to settle some topographical questions by personal examination of the sites. As a frontispiece he offers an excellent facsimile of the unique manuscript. It exhibits a regular plain scribe's hand of about A.D. 1300. The codex belonged in 1617 to Sir George Carew; he may have acquired it from a Waterford magistrate, and possibly it was once preserved by, or even written for, the black friars of Waterford. One of these Dominicans, Godfrey of Waterford, a linguist and theologian in the thirteenth century, composed French translations in prose. But even if he was in any way connected with this particular manuscript there is still not the slightest trace in it which could lead us to the author of the poem. The poet was a man entirely free from ecclesiastical tendencies and may have been a layman; he certainly did not belong to the priesthood or to the regular orders. He makes no mention of monastic foundations, not even of those of Dermot. The manuscript wants one leaf, containing the greater part of the prologue, at the beginning, and is also defective at the end, breaking off in the middle of an event of October 1175. Most likely here too only one leaf is lost, where probably Earl Richard's death, in 1176, was related.

Mr. Orpen's reading of the text is faultless, at least in verses 887–960, which I have collated with the facsimile, for the trifles *preei*, *prest* (908, 937), where he adopts the correct forms, must not be reckoned. His text adheres rather too slavishly to the innumerable errors of the scribe, a method which is to be approved in so far as it may help the reader to gather the poet's meaning out of the blundering strokes of the manuscript in those places where the editor has not established the right reading beyond doubt; but it seems to me a useless stumbling-block to print *adyline*, *len fant*, *naches*, and *curti* instead of *à D.*, *l'enfant*, *vaches*, and *Curci*. Because the book which our careless scribe copied from did not clearly distinguish *c* from *t*, must we therefore read in a definite text *Donthid*, *Athethur*, *Morthoth* when the correct *Donchid*, *Ached-ur*, *Murchid* occur some lines further on? At least the right French words ought to have appeared in the notes of variants in every instance, as indeed in difficult cases they do; as it is, the reader can conclude from the translation 'cows' that *naches* is wrong; but if he does not know beforehand how conscientiously Mr. Orpen works, he is apt to suspect a misprint until he reaches a second case of the kind. The editor also leaves the wrong divisions or combinations of words, the consonants *i* and *i*, the vowel *v*, and the *e* and *c*[3] meaning *é* and *ç*, just as they stand in his manuscript, though it is neither an autograph nor of palæographic or philological interest. But happily he introduces modern punctuation and he deserves high praise for printing in italics the letters supplied out of contractions and for the omission of any attempt to remodel the language according to an ideal of octosyllabic rhymed couplets or to Parisian grammar and orthography.

The linguistic and metrical looseness of the poem induces the most competent judge, M. Paul Meyer ('Romania,' xxi. 444), to ascribe it to a

[3] There is no cedilla under the second *c* in *chancon* in verse 143, as Mr. Kershaw has been good enough to assure me.

Englishman writing about the year 1225. Mr. Orpen points out that Laurence O'Toole, canonised in 1225, is called a saint, and that Prendergast's constableship of Leinster, which he proves to have begun after 1190, is alluded to as an institution of long standing. Let me add that Henry II is always spoken of as dead, and that for the events of 1173 the testimony of old people is invoked, which before, say, 1200 would have been nonsense (251, 1500, 2955). The *terminus ante quem* which Mr. Orpen fixes to 1227 might be placed one or two decades later; for though the poet's informant, who did diplomatic service as early as 1168, must have been dead in 1227, it does not follow necessarily that the poet set to work immediately after getting the information.

The lost original title may, as former scholars thought, have mentioned the conquest of Ireland. M. Meyer would prefer to call the work *estorie, conte, roman*, or *geste*, rather than *chanson*; the poet himself, however, designates it once as *chanson* (see verse 143; cf. 2064). And the title invented by Mr. Orpen has at least the merit of pointing out distinctly the two heroes in our poem, viz. the king of Leinster and his son-in-law Richard. The first half of the work ends with the only prose and the only Latin words: *Si est mort li rei Dermot; propitius sit Deus anime!* These words besides are distinguished by red ink, while no other rubrics occur. These two men and their friends are praised with extreme partiality; their adversaries—that is to say, the defenders of their own country against the foreign invaders—are freely attacked as traitors. Henry II plays no prominent part in the poem, and the delivery of Waterford to him appears as a quite spontaneous act of the earl's free-will. Now who of all men would feel deeper interest in the glorification of an Irish king and a Norman earl, both of them dead fifty years before, than their own descendant? M. Meyer's ingenious theory, therefore, seems very plausible—namely, that our poet wrote by order of Isabelle, countess of Pembroke (Richard's daughter and Dermot's granddaughter), who died in 1220. Another French poet about the same time wrote the history of her late husband, William the marshal, also for his family. Perhaps there are some other traces of our poet's relations with the county of Pembroke; he knows its topography, he makes his heroes invoke St. David, and he distinguishes the Flemings (from Ross, 2648, 3112, 3175). Though he must have lived some time in Ireland, and may have there acquired some Anglo-Irish pride in the victory at Fornham in 1173 *par le succurs de Leynestere e par la force des Yrreis*, still he clearly was not of Irish descent. Without the slightest sympathy for the unhappy Celtic victims he rejoices in the cruel victories of the invaders, whom he calls once *nos Engleis* (1960). Most likely he was an Englishman; else he would hardly have called the county of Pembroke *Pembrokescire* in the middle of his French text. His ancestors may have come from Gaul, because a pure Anglo-Saxon, if he succeeded at all in writing French rhymes fluently, would scarcely have designated Ireland's English invaders as *Franceis e Normand* (2648).

His exactness in minute details proves that, besides oral tradition from eye-witnesses, whom he calls *mon contur, les Yrreis, les anciens*, he relied on materials written down very soon after the events, more than a generation before 1225. For instance, Mr. Orpen recognises in verses 3064–3177

'a sort of original Domesday Book of the first Anglo-Norman settlement, in substance a contemporary account [before] 1177.'[4] Now the poet himself seems to quote eleven times or oftener *la chanson, geste, l'estorie, l'escrit*, once even with the addition *que lisum* (1065 ; cf. p. xix). Still all this might be commonplace borrowed from other *chansons de geste* in order to fill up a missing line or rhyme. But in the last verses of the prologue (the first are torn away) the author says that Morice Regan, king Dermot's *latimer, conta* (*me mostra, endita*) *l'estorie* (*ceste jeste*) *de Dermot.* I here deviate from Mr. Orpen's punctuation and assume, with M. Meyer, that our tautological poet said the same thing twice over.[5] We need, then, not suppose, with Mr. Orpen, that Morice supplied our poet with a French metrical chronicle lost to us. Indeed, it would be a curiosity without example if a writer who does not at all pretend to beauty of style had set himself to retouch a book composed only one generation before in the same language and likewise in poetry.

But on the other side I cannot but differ from M. Meyer's suggestion that Regan's *estorie* was merely an oral tale, and that the poet's written material consisted only of detached notices culled from various separate leaves of parchment. He rather seems to me to have followed in the main the same lost chronicle about the conquest of Ireland which Giraldus Cambrensis had used in 1188 for his 'Expugnatio.' I do not think that he knew this 'Expugnatio' itself, or he would hardly have omitted the clerical justification and the papal approval of the conquest, nor would he have failed to make use of the Welshman's florid rhetoric for his own only too arid rhymes. But while he differs so widely in style and in general tendency from Girald, who hates the barbarous Dermot and exalts his own family De Barri, the verbal coincidences become the more striking and seem to allow no other explanation but the use of one book by both the poet and Girald.[6] It would occupy too much space here to give many instances of this agreement. The following will suffice here, and for shortness' sake I omit the unimportant words :—

A l'ure li rei Ris tent en prisun Robert fiz Estevene. (880)

Un des bons esteit Meiler en la bataille; Unz vint testes vindrint al rei. (765)

Un enfantesme la nuit, un ost grant a estrus armez. (970)

Le fiz Gerout Moriz arivé esteit a Weyseford. (1154)

Li quens Richard en Yrlande aveit tramis od ses baruns X Reymond, un chevaler hardi e os ; à Domdonvil ariverent, chastel pus i fermerent. (1401)

Ea tempestate Robertus filiu Stephani Reso carcere tentus. (v. 229

Hostium capita circiter ducenta a pedes Dermitii sunt delata; In hi conflictibus Meilerius emicuit. (234)

Castellario pernoctante mili milium irruentium cum armoru sonitu : phantasma. (235)

Mauricius Giraldi Filius apu Weisefordiam applicuit. (244)

Comes Ricardus Reimundum cu x militibus in Hiberniam praemisi validum et robustum militaribu applicantes in Dundunnolf castru erexerunt. (248)

[4] Garnier's translations of Henry's records may be compared with this.

[5] At the same time I consider verse 5 as a parenthesis, meaning that Morice w intimate with Dermot, not with a lost Anonymus.

[6] This theory of mine will at the same time account for Girald's intimate kno ledge of Irish affairs, otherwise rather surprising, as Girald was studying at Pa in 1169.

Mr. Orpen was puzzled when he found Dearbhforgaill's elopement in 1152 represented both by Girald and our poet as the immediate cause of Dermot's expulsion fourteen years afterwards (p. 257). Another error common to both is the connexion of Henry's departure from Ireland in 1172 with his son's revolt in 1173 in the relation of cause and effect.

Most likely (but henceforward we must speak hypothetically) this lost source was a Latin prose chronicle, written in, or very soon after, 1176. The words about Dermot I have quoted above may come from it. Morice may have shown it to our poet, so that *montrer* (v. 7) need not be meant figuratively. The acquaintance with Leinster topography and with ancient Irish institutions probably belongs rather to the old native chronicler than to the poet who had recently immigrated. But also the want of imagination, plastic description, and higher flight of thought, on account of which our 'Song' takes a humble place among the rhymed chronicles, explains itself easily if the work is merely a faithful versification of a prose history. May a further guess be permitted? Morice Regan, I suspect, was probably the author, as he was certainly the possessor, of the lost book. Coming from Ui Riagain (p. 255), Dermot's and the earl's councillor and their ambassador to the Anglo-Normans in Wales in 1168, and to the Hiberno-Scandinavians at Dublin in 1170, the official *latimer* (interpreter), who besides is called *bacheler* (which, if it signifies at all a degree, means certainly a clerical and not, as Mr. Orpen's glossary says, a military one), he must have had just that detailed knowledge of the Irish situation and the English invasion, that warm reverence for those two princes and that scholarly education with which the writer of the lost chronicle must be credited. If my theory is right, the passages where Girald and the poem harmonise must no longer be considered as confirmed by two independent witnesses, but as due to one strictly contemporary partisan, and perhaps an agent, of Leinster's English policy.

The remarkable poem discloses many features of interest for the history of civilisation—for instance, the pledging of the glove for future appearance in a court of law. The literature of historiography as well as of Anglo-French poetry will have the task of determining the exact place of this rhymester among—or rather, as I imagine, behind—Gaimar, Wace, Benoît, Garnier, Fantosme, and the author of 'Guillaume le Maréchal.' If Mr. Orpen has not answered all these questions at once, he has the lasting merit of having successfully paved the way for all future research about the poem and its contents.[7] F. LIEBERMANN.

Chartularium Universitatis Parisiensis. By HENRICUS DENIFLE, O.P., auxiliante Aemilio Chatelain. Tom. II. Sectio Prior. (Parisiis: ex typis Fratrum Delalain. 1891.)

THE present volume of this great work covers the period from 1286 to 1350 A.D., but this represents only a portion of the total mass of documents relating to the university at this time, since those affecting the colleges are reserved for a separate section—doubtless of much the same

[7] V. 128, *Iur* refers to Ossory; p. 266, instead of 'abbey of H. Trinity' read '(Christ Church) cathedral priory.'

size as the present goodly quarto. As to the immense pains, research, learning, and accuracy which have gone to its production, I have nothing to add to what was said on the appearance of the first volume. In dealing with such work praise seems uncalled for and criticism impossible.

A larger proportion of the documents contained in the present volume appear in print for the first time than was the case with its predecessor. There is a whole series of documents relating to the controversy over the 'Retardation of the Beatific Vision.' Here we may note in passing that Father Denifle accepts as genuine the celebrated death-bed retractation of John XXII, who had supported the doctrine that the vision is withheld from *animae purgatae* in the intermediate state (No. 987). Another great batch of new documents relates to the quarrel between the chancellor and the faculty of medicine in 1330–1332, another to the proceedings taken by that faculty in the bishop's court against female practitioners. Another important element in the volume is the large number of *Rotuli Beneficiandorum*, i.e. petitions to the pope from Parisian masters for 'provisions' to benefices. It is needless to point out the value to the general historian of these copious lists of medieval churchmen. To the university historian their chief interest, perhaps, lies in the evidence which they bear, not indeed to a mythical 30,000 or the like, but to the very large numbers of the university at the middle of the fourteenth century. The roll of 1349 gives the names of 500 regent masters. As there is reason to believe that a surprisingly small proportion of students proceeded to the M.A. degree, 10,000 might be considered a by no means extravagant estimate of the student population at Paris, though personally I should be disposed to put it at a considerably lower figure.

I must resist the temptation to give the reader specimens of the most curious and important contents of this sumptuous volume, and will content myself with referring him to two of its *curiosa*. I have already alluded to the proceedings against a female practitioner in medicine. In the pleadings of 'Jacoba Felicia' in answer to the accusations of the dean and faculty of medicine (No. 814), the whole case of the medical woman is argued with a force and ability upon which our modern convocation orators would find it difficult to improve. *Mulier antea permitteret se mori, quam secreta infirmitatis sue homini revelare propter honestatem sexus muliebris et propter verecundiam. . . . Et istis de causis multe mulieres et etiam homines* [this surely proves too much] *perierun in infirmitatibus suis, nolentes medicos habere*, &c. The faculty seems to have been singularly candid in its admissions, as one of its witnesses deposed that the lady had actually healed the king's chancellor *de quadam gutta*, his nephew *qui erat impotens in eundo*, and others. The lady herself even claims to have cured all her patients without exception. The other curiosity which I would mention is the collection of 'errors' recanted by Nicolas de Ultricuria in 1346 (No. 1124). This disciple of Occam was, indeed, partly known from a fragment published by Du Boulay and Argentré, but Father Denifle now prints from the Vatican archives the complete document. It would hardly be possible to state the position of Berkeley more clearly than this: *Nescimus evidenter, quod ali[a a Deo possint] esse causa alicuius effectus: Nescimus evidenter, quod aliqua causa causet efficienter que non sit Deus:* '*Quod de substan*

materiali alia ab anima nostra non habemus certitudinem evidentie.' Surely Nicholas of Autrecourt has hardly met with his due from the historians of philosophy. H. RASHDALL.

The Story of King Edward and New Winchelsea; the Edification of a Medieval Town. By F. A. INDERWICK, Q.C. (London: Sampson Low, Marston, & Co. 1892.)

MR. INDERWICK has identified himself with an historical locality, and has thrown his knowledge of the past into a popular form. A few pages about Old Winchelsea, the parent of the new town, would have been very much in place; and we miss just that amount of reference to other members of the great Cinque Ports confederation which is really necessary to the story of New Winchelsea. We should also have been thankful for more research into the history of the Winchelsea families, the presence of which, as the author rightly says, gave a dignity to the town not possessed by the other Cinque Ports. The Alards especially would probably yield something to the antiquary. There are notices of them in the Gascon rolls, and Mr. Clements Markham, in a paper lately read before the Royal Geographical Society, believes that he has identified one of the clan amongst the crew of Columbus's immortal caravel.

It was a good idea of the author to take the return of 1292, and identify the names there mentioned with such as are, or have been, known in subsequent times. If this process were more common than it is, people would entertain a more wholesome and general belief in the permanence of our middle- and lower-class populations, in spite of the changes which have taken place since the middle ages. Mr. Inderwick is, we observe, one of those who do not question the charter of Edward the Confessor, and he is probably right; but, like most other writers on the Cinque Ports, he seems to accept Jeake's valuable book of charters as beyond suspicion. It is so indeed as far as the copies of charters are concerned, but there are not a few mistakes due to a want of information and of the critical faculty.

MONTAGU BURROWS.

Calendar of the Patent Rolls preserved in the Public Record Office. Edward III. 1327–30. Published by authority of the Home Secretary. (London: H.M. Stationery Office. 1891.)

Calendar of the Close Rolls preserved in the Public Record Office. Edward II. 1307–13. Published by authority of the Home Secretary. (London: H.M. Stationery Office. 1892.)

THESE first volumes of the Calendars of Patent and Close Rolls mark the most important new departure during this generation in the policy of the custodians of the national records of England. While the Rolls Series has given us a large and, with a few exceptions, a valuable collection of chronicles and histories of the middle ages, nothing of great moment has hitherto been attempted in the direction of opening up to medievalists the state documents before the reign of Henry VIII. We have long wanted a medieval counterpart to the Calendars of State Papers; but save for the calendars of a few arbitrarily selected extracts from the records which were supposed to bear specially on Scotland and Ireland, and

which were published in the Scotch and Irish series as concessions to local feeling, we have had nothing that could be called satisfactory in this direction. It is true that private enterprise has done a little. Some of the local antiquarian societies have, for example, published various sorts of catalogues, calendars, and excerpts from some of the state documents of the middle ages bearing upon their own limited provinces. Moreover, we have long had the costly but unsatisfactory labours of the Record Commission; but the judgment passed upon their 'Calendar of Patent Rolls' in the preface to the present work is never likely to be gainsaid and can be applied to much of the rest of the Record Commissioners' work. What professes to be a calendar is in reality 'a mere collection of short notes arbitrarily made in the early part of the seventeenth century.' All who have used it know that it is not only incomplete, but singularly jejune, constantly misleading, and abounding in serious errors. Mr. Lyte tells us, in his judicious and measured preface to the 'Calendar of Patent Rolls,' that no less than six subsequent attempts have been made to render the patent rolls accessible, but that none can be pronounced successful. To carry out the publication of the whole series of rolls literally and textually as the late Sir Thomas Hardy did for those of the reign of John is both expensive, voluminous, and unnecessary. No mere alphabetical working up can be of much use to an historian, though doubtless it may sometimes be valuable to topographers and genealogists. What was wanted was a chronological calendar telling us everything that was of real importance in each document, based on the system of the calendars of the state papers, and made easy for consultation by complete and copious indexes. It was well then that Mr. Lyte stopped the unsatisfactory 'lexicographical calendar' which has appeared in yearly instalments in the 'Deputy Keeper's Reports,' of the last decade. In the place of this he has started the new calendar on a satisfactory basis, and, as was desirable, has set various bodies of cataloguers to work on different periods simultaneously. Besides, therefore, the calendar of the Patent Rolls of the reign of Edward III, the first instalment of which is now before us, calendars of the reigns of Edward I and Edward II are in the press, and a calendar of the reign of Richard II is in progress. The reign of Henry III is 'reserved for future treatment.'

Formidable as is the task of dealing with so extensive a series as the Patent Rolls, the energy of the deputy keeper has led him to make an almost simultaneous attack upon the Close Rolls. Though these documents are of a comparatively private nature, they throw abundant light on nearly every department of history, and are only less important than the Patent series. But the Close Rolls have been even less accessible than the Patent Rolls. Only three attempts have been made to open them up to students, and each of these attempts has but covered a limited number of them. We have the elaborate literal transcript of the Close Rolls down to 11 Henry III, which was published in 1833 and 1834 for the Record Commission by Sir Thomas Hardy. This is supplemented by a 'lexicographical calendar' extending from 12 Henry III to 1 Edward I, of which that for 12 Henry III was published as a specimen in the Deputy Keeper's Report for 1866, while the remainder is accessible in manuscript in the search room of the Record Office. The third attempt

is M. Michel's Latin transcript in a volume entitled 'Rôles gascons' of some rolls of the reign of Henry III containing copies of Letters Close issued while the king was abroad. This volume also contains Letters Patent issued during the same period and under the same circumstances. But for the periods after 3 Edward I the Close Rolls have only been accessible in their original manuscripts. We welcome, therefore, with the greatest pleasure this new undertaking. We can only regret, however, that Mr. Lyte's present plan only deals with the period after 1327. He has 'reserved the thirteenth century for future treatment,' a course that is, perhaps, a little hard on those whose studies are mainly concentrated on that period, who, as we have seen, are already penalised by a similar reservation in the case of the Patent Rolls of Henry III. May we hope, however, that this 'future treatment' will not be relegated to any very distant future?

It is to be desired that the same methods will before long be applied to the other great collections of medieval records. In particular the *Inquisitiones post mortem* urgently need some more satisfactory treatment than that of the Record Commission's calendar. When this has been done, skilled writers will be less seldom forced to waste their time on crabbed, decayed, and half-legible manuscripts. The local antiquary and the amateur will no longer need to despair at doing permanent work. Moreover the records themselves will have a better chance of not deteriorating in condition. If the calendars follow the example of the two specimen volumes before us, they will be so full that for most ordinary purposes there will be no need to go to the rolls themselves, so that the danger of reducing the value of priceless manuscripts by constant, rough, or unskilful handling will be minimised. For some purposes, however, the manuscripts can never be superseded.

When a great work is undertaken through the co-operation of various workers, it is of the greatest importance that they should carry on their labours on similar lines, so that the result should be uniform all through. It is also very desirable that there should be some guiding spirit to harmonise and dovetail the results. These necessities have evidently been well realised by the deputy-keeper. The instructions to the calendarers, which are given in his prefaces, seem to be eminently sound, judicious, and carefully thought out. May we also express the hope that Mr. Lyte will himself supply a general supervision of the great undertaking with which his deputy keepership must always be specially associated?

The Calendars of both Patent and Close Rolls are drawn up for the most part upon the same principles. The names of those who are responsible for the Patent Rolls Calendar have not been mentioned, but the Calendar of the Close Rolls for this period has been entrusted to the extremely competent and experienced hands of Mr. W. H. Stevenson, who has also prepared the index. At the present stage no one is able to speak in detail of the way in which the compilers of the calendars have done their work. Only those who have carried on considerable investigations with their help, and who have compared the calendars with the original rolls, will ever be in a position to do so, and for this minute criticism the time has hardly yet come. But as far as I have been able to check the work, both volumes seem to be thoroughly

well done. Only, if it may be said without invidiousness, Mr. Stevenson's calendar and index seem to me to be the better.

The chief rules drawn up for the guidance of the deputy keeper's staff must now be examined. Every entry is noticed in its order, with the single exception, in the case of the patent rolls, of the ordinary commissions of gaol delivery and appointments of justices of assize. When the document is printed elsewhere, when the statements are merely formal, and in certain other cases, the calendar is rightly abbreviated. We particularly welcome the introduction of the scholarly rule that there shall be specific record of the fact that a document has been printed before. It is an admirable change from the custom of some of the less satisfactory editors of volumes in the Rolls Series.

The fact that the calendar is in English makes the rules for the transliteration of proper names of the utmost importance. Christian names, surnames, and place names receive a somewhat different treatment. Ordinary christian names, whether of Englishmen or foreigners, are given in the modern English form. Some purists may object to this, but it seems to be by far the most sensible rule. There is no point in calling a man 'Johannes,' or 'Jean,' or 'Giovanni,' if his name is really 'John;' the important fact being that all these terms mean exactly the same thing, and therefore they ought to have a common rendering. But in the case of obsolete christian names, the calendar merely gives the exact form used in the rolls. In any case of the slightest doubt, it is plain that the *ipsissima verba* of the documents should be given. Examples of this latter sort are 'Roaldus,' 'Richolda,' 'Austencius' and 'Pancius.' This rule has not however been very strictly followed by the compilers of the Patent Roll Calendar in regard to Welsh christian names, which, whether they are in ordinary modern use or not, seem in nearly all cases to be copied exactly from the rolls though they are commonly badly misspelt by the English clerks who transcribed them. This shows some carelessness. In the case of common names as to whose form there is no difficulty whatever, they should certainly appear in the calendar and index in their most approved modern form. There is no 'Llywelyn' or 'Llewelyn' in the index, but only 'Lewelin' and 'Lewellyn,' both highly corrupt forms of the name. Similarly 'Rees' and 'Resus' should have appeared as 'Rhys.' The Close Roll index, though better than that of the Patent Rolls, nevertheless contains such corrupt forms as 'Leulin ab Madok,' 'Leuwelin ap Howel Vaghhan,' and 'Lewelin ap Gronou.'

Surnames are invariably given according to the form used in the rolls. This seems at first sight not quite necessary. Forms like 'de Mortuo Mari,' 'de Bello Campo,' 'de Burgo,' are essentially as familiar as names like 'John' and 'William;' and it would have looked better had they been presented in their ordinary modern form as Mortimer, Beauchamp, and Burgh. However it is plain that the less familiar names could not have been safely translated, and it is much harder to draw the line between the familiar and the unfamiliar in the case of a surname than in a christian name. To have done so would have involved a large responsibility on those engaged on the work, and it would have been practically impossible to get the same results from the various compilers of the calendars. On the whole, then, the rule seems a discreet one

especially as great pains have been taken in the index to supply a clue to the identification of the numerous persons whose names appear in different forms in the calendar. But the system adopted makes a free system of cross references in the index quite indispensable. In many cases this has been carefully borne in mind; but it is not quite clear that the form used in the text should necessarily be that used as the heading of the index; though this appears to be the general rule that has been followed by the compilers. The result is that the indexes, though admirably full and complete, are hardly so helpful as they might have been. This is specially the case with the Patent Rolls Calendar. For example 'Mortimer' appears in the index of this Calendar along with 'Mortemer' and 'Mortymer;' but only in the few cases where, on the entry being in French, that form occurs on the roll has a reference been made to the text, though we are also referred to 'Mortuo Mari, de,' under which head the bulk of the references occur.

These rules have led to one somewhat unfortunate result. It is a little perplexing that to find all the references to a single person we are obliged to have recourse to several entries in the index. This becomes even more perplexing with place names than with surnames, and we fear that in some cases this may cause difficulties to those persons who wish to use the calendar but are unfamiliar with the Latin forms of such medieval names. It may even lead some enthusiasts with limited knowledge to make a point of discarding the familiar English for the less familiar Latin forms, in the belief that in reproducing them they attain a greater measure of correctness.

Even more disputable than the above directions is the rule about 'de.' As a prefix to a surname, or, as the deputy-keeper prefers to put it, 'when it comes immediately after a christian name,' 'de' is retained. This is really a corollary from the principle of writing out the surnames as in the rolls. If 'Mortuo Mari' represents 'Mortimer,' 'de' must plainly be retained. But when the 'de Wiggemor' represents 'Roger Mortimer of Wigmore' there can be no reason for not translating an ordinary English preposition. But we suspect that some practical difficulties must arise from time to time in carrying out this rule. It is above all things necessary for the compilers of a calendar not to put in anything which is even in the slightest degree a matter of doubt or opinion. On these principles the compilers describe 'Thomas filius Willelmi de Brampton' as 'Thomas son of William of Brampton,' so that they are understood to express 'no opinion' as to whether 'Brampton is or is not a surname,' or 'whether the person's name was Fitzwilliam, Williamson, or Williams.' Unluckily the mere fact of translating the name does involve an implicit statement of opinion. 'Son of William' expresses their view that 'filius Willelmi' is a simple patronymic, and in no sense a surname, and 'of Brampton' strongly suggests that the person described simply came from that place. It would have pledged the compilers to less if 'filius Willelmi de Brampton' had remained untranslated. But this amounts really to an argument against making an English calendar. All will welcome the further rule that while 'surnames beginning with Fitz in the rolls have of course been so given in the calendar, filius has never been translated by fitz.'

It is possible that this may lead occasionally to the practical inconvenience that, in cases where the scribe has chosen to translate the surnames into Latin, the persons so described will have to be sought for in the index under the second syllable of their names. But in the well-known names this difficulty does not seem to occur. I sought, for example, for Maurice Fitz Thomas, first earl of Desmond, in the index of the Patent Rolls Calendar, and was glad to find him under 'Fitz Thomas.' A slip occurs in the other entry of the index, 'Desmond, Earl of. See Fitz Maurice.' It should of course be Fitz Thomas. Such inevitable inaccuracies are not, so far as I have been able to discover, at all numerous.

The remaining rules must be rapidly passed over. Surnames resembling christian names and occurring in the genitive case are left as they are found. Archbishop Walter Reynolds occurs therefore as Walter Reginaldi. He is indexed, however, in the Patent Rolls Calendar as Reynolds, though if 'Mortuo Mari, de' be a legitimate index form, there ought to have been at least a cross reference under 'Reginaldi.' Here Mr. Stevenson's index is the better, for he collects the references under 'Reginaldi' and gives the necessary cross-reference under 'Reynolds.' Place names are given for the most part as in the rolls. 'Obviously Latinised forms' appear, however, in their modern English garb. 'Mold,' for example, appears as such, though 'de Monte Alto' is the description of the owners of the castle. Here again the necessities of English translation land the compilers in difficulties if not inconsistencies, but in this respect Mr. Stevenson's calendar seems again to be decidedly on a higher level than the other. We cannot praise too highly the immense pains which Mr. Stevenson must have taken in identifying the proper names in the rolls with their modern equivalents. He has accordingly been able to index most of his places under their modern forms. This is no small topographical achievement, and immensely facilitates reference. In all cases abbreviations have been extended, we hope with no untoward results.

In respect to place names, Wales again comes off so badly in the Patent Rolls Calendar that it is much to be regretted that the services of a competent specialist were not called in to set the compilers straight. To begin with, the compilers' conjectural suggestions of the modern equivalents for the Welsh place forms in the rolls are often ludicrously wrong. 'Kantemaur,' on p. 72, is plainly 'Cantrevmawr,' and not as is suggested in the index 'Coyty-Mawr.' A very ancient error is reproduced in indexing under 'Lampeter [Co. Cardigan]' references in pp. 72 and 250, which refer to Llanbadarn Vawr, that is practically to Aberystwith. It is also misleading when the indexes of both calendars assign Welsh places to counties which in the fourteenth century were not in existence. The 'Ll's' are hopelessly confused in the Patent Rolls index. In fact a Welsh antiquary cannot be sure he has collected every reference to a place until he knows every form in which that place appears in the rolls. Cardiff entries for example occur under 'Cardyff,' 'Kerdyff,' and 'Kerdif.' The Close Rolls Calendar shows in this respect a decided improvement. Mr. Stevenson is himself an admirable topographer, and he has called in to his assistance the well-known Welsh scholar, Mr. Egerton Phillimore. The result is excellent. In every case that I have examined, the index to this calendar gives Welsh place names in their most approved modern *form.*

T. F. Tout.

Year Books of the Reign of King Edward the Third: Year XV. Edited and translated by L. Owen Pike. (London: published under the direction of the Master of the Rolls. 1891.)

Mr. Pike has done his editorial work with his wonted thoroughness and intelligence. He has, according to his use, devoted part of his preface to the detailed consideration of some one point of legal interest; this time it is *merchet*, and his discussion may be compared with what Professor Vinogradoff has observed in his recent work. That it was used (52 Hen. III) as a test of villenage, that Bracton expressly says 'it is not for a freeman to give merchet for his daughter;' that it was 'a mark of servile tenure, though not necessarily of servile condition,' is known and acknowledged. It is analogous to, but, in Mr. Pike's opinion, not certainly the same as, license money for permission to marry, or for permission to marry a widow. Nor is it the same as *leir-wite* (which, again, he thinks must be distinguished from the *adulterium* of 'Domesday'), and in an inquest of Broughton manor, Ramsay Cart. i. 334, merchet and leirwite are clearly distinct. The Welsh marriage fine for tenant's daughter, *gwabr merched*, or maid-fine, and the *am-obyr*, or ransom fine, Lat. *merces*, are next discussed, but the facts that merchet is *redemptio carnis et sanguinis* of children of either sex (which connect the case with *gwabr merchet* or *amobyr*), and that the *droit de formariage* is called merchet in England, seem to destroy the possibility of the English term being borrowed from the Welsh. Mr. Pike is inclined to regard it as a modification of *formariage dues*, and to look on it as probably derived from *mearc*, a boundary. Its French equivalent is, of course, *marquette*.

Mr. Pike has not given us a merchet map, but he notes its occurrence in Scotland, Whittington (Notts), Rampton (Notts), Withcote (Leic.), Weekley and Ashby (Northants), East Bergholt (Suff.), Heckingham (Norf.), Alton (Hants), Barrow (Salop), Sheperigge (Wilts), Sandford (Oxford), Molesworth (Hunts), Wivenhoe (Essex), Muresley (Bucks), Leighton (Beds), and in Cambridgeshire and other counties. It is a pity some attempt is not made to settle the geography of these curious old customs, which (though Mr. Pike actually seems to agree with M. Venillot in denying the *droit du seigneur*) are often evidences of 'far-off savage ways and battles long ago.'

The case of *Frecheforce qe passa a Oxeneforde entre le mestre des escolers de Merton et les Freres Augustyns de Oxeneforde*, 20 and Michaelmas term 24; several cases of corrody or pension; a case in which one of the modern rules of accord and satisfaction is not allowed, 31; a case where dowerable age is of full nine years, 56; cases in which the description of the writ, though clear, was challenged as imperfect; mention of park silver, *pour enclore le park le seignur*, 42; the remark on *galeschere ou bref le Roy ne court pas*, 53, are matters of interest coming under Easter term. The pilgrimage to St. James, 20; a case of a leet court and its jury of presentment, 41; the notices that Hayling Island was once called Harengeya, 7, and that Hengham drew the statute of Westminster, 2, 59; the existence of a fixed liquidated payment as compensation for disturber by re-entry of a dower estate, 59; and the form of homage done

by husband and wife together to one to whom they owed services in certain vills, 70, are among the features of historical interest that arise in Michaelmas term. Legal points abound throughout the volume. It is much to be desired that the year-books and cartularies should be pushed on in the Rolls Series; there is (especially in the cartularies) a good deal more history in them than in many of the chronicles that have appeared in past years. F. YORK POWELL.

Old Dundee, Ecclesiastical, Burghal, and Social, prior to the Reformation. By ALEXANDER MAXWELL. (Edinburgh: Douglas. 1891.)

MR. MAXWELL deserves the thanks of others than his townsmen for his second volume on Old Dundee. Though nominally a 'local history,' it contributes to the solution of some historical and literary problems which are of interest elsewhere than on the banks of the Tay; and its descriptions of old church and burgh life cannot fail to be of use to the much-sighed-for historian of Scottish civilisation. It is greatly to be regretted, however, that Mr. Maxwell has lessened the usefulness of his volume by refusing, as he did in his former work, to give us the text of the local records in their entirety, and his analysis and inference in an Introduction. A complete text satisfies not only our historical cravings, but it saves us from never-ending nibbling, and from the dread—which is the very canker of historical research—that there may be something to our purpose hidden away from us. Nay, had Mr. Maxwell followed the better plan, he would have made his book more readable. In the first place, we should not grow weary on the see-saw of paraphrase and extract: for a typical example of which the reader is referred to p. 42. How much weightier would the editor's own words have been, had they been rescued from such confusion, and put together in an Introduction! In the second place, he would have avoided much unnecessary repetition, as, for example, when he gives, on p. 197, not only an account of the escapade of some Frenchmen who had 'clum our' Alex. Paterson's 'yaird dykes and tane away his kale,' but his own observations on the caution of the magistrates in dealing with them, which he had already written in almost identical words just eighty pages before. He would, too, have been saved the doubtful labour of modernising the extracts, and might thereby have done an indirect service to philology. Mr. Maxwell but adds point to our criticism when he confesses that 'the first volume of the record is of such extreme value' that he 'transcribed it wholly.'

Though the 'introduction' is presented in this fragmentary manner, we should not dare to deny its thoroughness and ability. Of the portions of more purely local interest, the account of the sack of the town in 1547 and of the sojourn of the French troops are perhaps the best. We have a very curious picture of the port of Old Dundee, with its 'Fleand Hart,' 'Lytill Swallow,' 'Sheir the Wind,' and other bits of sea-poetry, impossible in the stir and unloveliness of the modern town. The details about the salmon trade are interesting, if only to prove that the common story about the dislike of the farm-labourers in the Carse to have their wages in salmon could not have been true before the Reformation. It is unexpected to find the custom of 'hand-fasting' so prevalent, for we

generally associate it with the Highlanders and Islanders rather than with the folk of the east. Chapter VII introduces us to a topic of wider interest in its examination of the accepted tradition that George Wishart 'the Martyr' was an accomplice in the murder of Cardinal Beatoun. The entries in the English State Papers about 'a Scottish man, called Wysshert,' seem to have been the slender basis on which so many writers have founded the story of the Martyr's crime. Hill Burton and David Laing were aware of the difficulty of identifying the assassin, and Mr. Froude has spoken of a 'vague probability,' though he refused to believe that the martyr of St. Andrews 'was so different from his Protestant countrymen as to have been unlikely to have been the messenger of Hertford.' Mr. Maxwell endeavours to show that Beatoun's enemy was a George Wischart, brother-german of the laird of Petarro, and cousin to his famous namesake. In stating his case against this energetic burgess, afterwards bailie of Dundee, he refers, among other matters, to (a) the record of a charge preferred against him for having treasonably aided Leslie and Kirkcaldy of Grange during their stay in the castle of St. Andrews after the murder, (b) the record of a like charge against the laird of Brunstoun, who is mentioned in the English *State Papers* in connexion with the said 'Scottish man,' and (c) the evidence of George's intimate connexion with Erskine of Dun. He can find no proof of the 'Preacher's' implication in the plot, and very reasonably infers, from what we know of his character, that it was not he but his cousin who was the conspirator. He cannot, of course, in the absence of documentary evidence, claim to have solved the problem, but he has given us good reason for refraining from accepting the common story. In another excellent chapter he discusses the authorship of the 'Complaynt of Scotland.' David Laing, it may be remembered, came to the conclusion that it was written by Robert Wedderburn, vicar of Dundee, though he gave no very definite reasons for his opinion. Dr. J. A. H. Murray, in the preface to his edition for the English Text Society, endeavoured to show that it could not be a Dundee production, though he could not say who was the author. Mr. Maxwell controverts the latter view, and brings forward some new evidence, or, rather, places the old evidence in a different light, to make us more ready to believe in the correctness of the entry in the Harleian catalogue. He criticises Dr. Murray's argument about the southern character of its language by reminding us of Wedderburn's residence with the laird of Calder in West Lothian, and about the prevalence of the French words by referring to his long sojourn in Paris. He shows that the passages in the 'Complaynt' about the invasion and occupation of the country by 'the auld enemyis,' and especially the naval incidents therein, could be inspired by nothing but the English expedition to the Tay. The correspondence is indeed very striking. Mr. Maxwell rebuts the arguments founded on the writer's denunciation of the English reforming party by an examination of the cancelled sheets of the treatise, and by the production of some facts from the records. His reasons for considering the 'Monolog Recreative' a description of local scenery are not quite so convincing. On the whole, he has made out a very strong case; and we must now write a smaller point of interrogation after the vicar's name in our histories of Scottish literature.

Why, may we ask, does Mr. Maxwell print *ye* for *the*, and give us so many *z*'s instead of *y*'s in both paraphrase and extract? Such mistakes are less pardonable when he professes not to give the original orthography. But our annoyance at these, a few printer's errors, and, especially, the unfortunate method which he has adopted, will certainly not prevent us setting a high value on the contributions which he has made to our treasure-house of Scottish history. G. Gregory Smith.

Records of the Parish Church of Preston in Amounderness. By Tom C. Smith, F.R.Hist.Soc. (Preston: Printed for the Author by C. W. Whitehead. 1892.)

History of the Parish of St. Michael's-on-Wyre. By Henry Fishwick, F.S.A. (Manchester: Printed for the Chetham Society. 1891.)

If the county palatine of Lancaster has not nurtured a Dugdale or a Nichols, in no other county has so much been done—and well done—by societies and individuals, to preserve the records of its past. In this well-worked field the contributions to parish history of Lieutenant-Colonel Fishwick, a pillar of the invaluable Chetham Society, and Mr. Tom Smith have taken a high place. They have both devoted themselves to the history of the hundred of Amounderness between the Ribble and Lancaster Bay, a low-lying peninsula watered by the river Wyre. Colonel Fishwick, who bears the name of one of its hamlets, has now given us special histories of five out of its ten ancient parishes—Garstang, Bispham, Kirkham, Poulton-le-Fylde, and St. Michael's, and of the Chapelry of Goosnargh. Preston and its immediate vicinity have received the attention of Mr. Smith. In the volumes before us, both have made full use of the Duchy Records, Subsidy Rolls, and other manuscript material of the British Museum and the Record Office.

Mr. Smith's handsome volume, which is illustrated by plans and portraits, has the advantage of chronicling more eventful annals than the purely agricultural St. Michael's can boast. No fewer than four incumbents of Preston church have become bishops, and in the thirteenth century the rectory was one of the best livings in the gift of the crown, and was bestowed by Henry III at one time on the court buffoon Arnulf, to the disgust of Matthew Paris, at others on Henry Wengham and Walter de Merton. Ralph Erghum (then a fairly common local name), afterwards bishop of Salisbury, held it from 1374, but he was the last rector, Henry duke of Lancaster having impropriated the rectory to the college of St. Mary Newark at Leicester. Its vicar during the Civil War was William Ambrose, a notable nonconformist described by the parliamentary commissioners of 1650 as 'a painful minister,' who however neglected the registers. These are preserved as far back as 1611, with a few entries from 1603, and are printed by Mr. Smith down to 1631. He has expended most laborious research upon the lives of the rectors and vicars, and corrected many errors in previous lists. The fabric, the chantries, the chapels, and the stipendiary curates are all fully dealt with. Very interesting is the account of the 'Twenty-four Gentlemen of Preston,' with extracts from their records, which are extant from 1645 (pp. 267–277). A parish council of twenty-four (sometimes thirty) men

was not uncommon in Amounderness, but it was only in 'Proud' Preston and ancient Ribchester that they assumed the title of 'gentlemen.' It would appear from the records that it was not until the eighteenth century that plain 'men' was not good enough for them. They still survive as the 'select vestry.' The parish was divided into three sections, Preston town and the upper and lower end of the parish, each of which furnished a third of the twenty-four, the mayor and seven aldermen serving for the town. Vacancies were filled by co-optation, but in 1682 the ancient right of the Hoghtons, the impropriators of the rectory, to nominate for the lower end was recognised. The 'Gentlemen' looked after the fabric of the church, raised church rates, elected the churchwardens, &c. We should have liked Mr. Smith to explain why Henry of Lancaster came to give the advowson of the rectory both to Whalley Abbey and to St. Mary's, Leicester (pp. 5, 6), and in quoting the lists of the mortality in the parish from the Black Death, which Mr. A. G. Little first printed in this Review, he fails to take Mr. Little's warning against placing implicit reliance on the figures. But these are trifles, and we can give unstinted praise to Mr. Smith for an excellent piece of work, very correctly printed.

Colonel Fishwick's monograph is also a very painstaking bit of parish history, but of more exclusively local interest. One local custom which prevailed here in the seventeenth century was the payment of the churchwardens for attending church (p. 64). St. Michael's-on-Wyre is one of the three Amounderness churches mentioned in Domesday, the others being Preston and Kirkham. It is a parish of the proverbial Lancashire size, covering an area of nearly 19,000 acres, and containing six townships. The church was originally built in an isolated position for the convenience of its scattered hamlets, but a village has grown up round it. Colonel Fishwick has done his best to trace the owners of land in the various townships of the parish at different periods. In one or two cases, he might have endowed them with more flesh and blood. For instance the fame of Sir Thomas Banastre, who held land in this parish (p. 31), in the French wars of Edward III might with advantage have been alluded to. A reference to the short life of Sir Thomas in Beltz's memorials of the order of the Garter would have sufficed. We have our doubts about some of Colonel Fishwick's etymologies, *e.g.* that of Inskip on p. 20. A plan of the parish would have very greatly enhanced the usefulness of the book, which is also disfigured by a large number of small printer's errors that have been allowed to creep in. JAMES TAIT.

Don Fernando el Católico y el Descubrimiento de America. Por EDUARDO IBARRA Y RODRIGUEZ. (Madrid: Fortanet. 1892.)

THE dominant note in the life and thought of Spain is, and always has been, its profound localism. Each of the ancient states which are federated into the modern kingdom is for ever on the watch to prevent its being merged in the rest or its own national glories being lost sight of in the glorification of the whole. The feeling is often manifested aggressively and unnecessarily, but has rarely been evinced with better reason than in Professor Ibarra's excellent little book, in which he claims with unanswerable arguments a larger share than has hitherto been accorded to his

countrymen the Aragonese and their king Ferdinand the Catholic of the honour of discovering the new world.

A Castilla y á Leon
Nuevo mundo dió Colon,

says the well-known couplet, and Isabel the catholic queen of Castile stands forth alone in song and story as the high-minded and self-sacrificing patroness of Columbus. By contrast her consort the king of Aragon is too often represented as a stingy, narrow-minded curmudgeon whose one idea was to thwart the enterprise; and painters, poets, and 'brilliant' historians have continued to draw the king in ever blacker colours in order to throw into higher relief the poetic figure of the queen.

Señor Ibarra, who is professor of history at the university of Zaragoza, has produced but little absolutely new material, but he has, with a rare and commendable avoidance of heroics or 'fine writing,' submitted all known authorities to a calm judicial analysis which is absolutely convincing. Ferdinand's proceedings towards Columbus are shown to have been such as were only consistent with prudence and statesmanship. He was in the midst of war and rebellion, the Castilians were bitterly jealous of him; and he himself, surrounded as he was by the hard facts of life, was obliged to keep his judgment cool, as a counterpoise to the somewhat flighty exaltation of his queen. Columbus's demands of reward, if he succeeded, were so extreme and outrageous, amounting in several cases to an abrogation of royal prerogatives, which would have been illegal as well as inoperative, that Ferdinand was right in refusing them twice over. In this respect, however, Professor Ibarra vindicates the statesmanship of his hero at the expense of his honesty. He saw, if nobody else did, how impossible were Columbus's demands, and yet after twice refusing them he allowed himself to be persuaded to sign the agreement which his prescience showed him could not be fulfilled, and which was, as a matter of fact, coolly repudiated later. Señor Ibarra shows conclusively that most of the support received by Columbus at court was from the Aragonese officials, by whom the king was persuaded. The story of Isabel selling her jewels to pay for the voyage has been already disposed of by Señor Fernandez Duro,[1] and now Señor Ibarra shows beyond question that the money for the expedition came from Aragon and not from Castile, which was exhausted by the war with the Moors. The king's Aragonese treasurer, Santangel, his Aragonese secretary, Juan Coloma, and above all his friend and chamberlain Cabrero stepped in at critical moments in the negotiations and, as Columbus himself confessed, 'saved the Indies to the Spanish crown.' Señor Ibarras's book is an able vindication of Ferdinand and the Aragonese, and should be read with a recent article in 'El Centenario' Review by Father Mir entitled 'The Influence of the Aragonese in the Discovery of America.' MARTIN A. S. HUME.

Leone X e la sua Politica; secondo Documenti e Carteggi inediti. Di FRANCESCO NITTI. (Firenze: Barbèra. 1892.)

THE copious publication of documents concerning the early part of the sixteenth century has led to many attempts to rewrite the history of that

[1] Article 'Las Joyas de Isabel,' *Revista contemporánea*, vol. xxxviii.

important epoch from various points of view. At no time was Europe more closely united, in the sense that it is impossible to form an opinion about any separate country without a thorough knowledge of every other country. It was the time when diplomacy sprang suddenly into maturity, and the luxuriance of its new system ran riot. The map of Europe was constantly undergoing revision; but war was a disagreeable episode, and every statesman was endeavouring to win his way by skilful bluster, and the principle of the balance of power was recognised as the highest point of political wisdom. The consequence is that the plans and objects of European statesmen were continually changing; their opinions were expressed with caution; their real meaning was generally left purposely obscure; their activity was enormous and its measurable result was small.

It is difficult for an historian to summarise this endless process of weaving and unravelling webs of complicated pattern. Yet history requires some unity of character and some survey of tendencies. Perhaps every historian is ready to admit that a period of universal lying is not very edifying, and that its study is not ennobling. Still he cannot escape from identifying himself in some measure with one or other object which was being pursued. His patriotism leads him to sympathise with efforts to exalt the nation to which he himself belongs. As he does so he becomes a partisan, and so falls into the temptation of creating a hero. He admires the dexterity and persistency of one of the actors in this bewildering drama, exalts him above the others, and finds a kind of nobility in his prevarications. It is easy to arrange the picture so as to represent the chosen hero as the object of the machinations of others, more sinned against than sinning, and driven in spite of himself to have recourse to weapons which he abhors. Exclusive attention to one series of diplomatic documents supplies ample materials for this treatment. Excellent intentions are pleaded at every turn as a palliative for dishonest actions.

Every European ruler has now had the advantage of this treatment. Mignet did his best for Francis I; Brewer has glorified Wolsey; Baumgarten extols Charles V, and De Lera has recognised that he was at least inevitable. But there is one statesman whom they have all united in condemning, Pope Leo X. Perhaps this is hardly generous, for Leo was the inheritor of the diplomatic principles of the Medici house, which the rest of Europe combined in appropriating; and in the particular assumptions employed he ought to be pitied rather than blamed, because he was an older hand than the rest. However, Leo has at last found an advocate in Signor Nitti, who adopts the method used by those who were before him in the field, and only asks that Leo should be treated like the rest of his competitors, and that we should look at European affairs from Leo's point of view with the same patience that has been shown in other cases. It must, however, be admitted that Signor Nitti does not profess to find pleasure in the process. He is not responsible for inventing it, and only pleads that it is fair to mete out equal justice. He has no affection for Leo X, but simply tries according to the modern method to bring him into line with his contemporaries. Further, Signor Nitti's book is written with a thoroughness and care which can compete with any of the writers mentioned above, and he has brought to light masses of new material which are of the greatest value to supplement the records of the diplomacy of the

period. His book is one of permanent value as a contribution to the sources of history, and it is to be hoped that he will publish in full the documents to which he refers.

It would be tedious to discuss in detail Signor Nitti's discoveries; they are of interest only to an expert in the period. But on the main points for which Leo is condemned, his duplicity and his nepotism, Signor Nitti pleads extenuating circumstances, and urges further that he pursued a settled policy, which was not purely personal, and was as good as that pursued by any one else. Leo's duplicity is certainly not diminished by the results of Signor Nitti's investigations; but he calls attention to the special difficulties in which Leo was placed. The papacy was a political power, whose territorial basis was directly menaced by the advance of foreign powers in Italy. Its preservation depended on the maintenance of an artificial balance, and its material resources were extremely small. Being the weakest state, it made the fullest use of the only arms which the weak possess. The fact is deplorable, but it was inevitable. Admitting this, Signor Nitti pleads that it is not fair to dismiss Leo as interested only in promoting the aggrandisement of his brother Giuliano or his nephew Lorenzo. His object was to secure the independence of the papacy, and he used the territorial claims of his relations for this purpose, as his predecessor had done. The great crisis of his fortunes was the election to the empire; and on this point Signor Nitti has much new light to throw. He is of opinion that Leo wished to bring about the election of one of the princes of Germany, without incurring the risk of offending either of the powerful candidates. He encouraged Francis in the hope that he would discover his candidature to be impossible and would then use his influence to oust Charles. He encouraged Henry VIII for the same purpose, but Wolsey was too cautious to interfere. When he saw that Charles's election was inevitable he withdrew his objections to him, and then went back to Francis as being the less dangerous. He would have joined Francis in a league against Charles if England could have been won also, and for some time waited in suspense. At last he wearied of the attempt to maintain a balance in Italy. He was exasperated at Wolsey's success in obtaining for England a mediatorial position between the two kings. He made up his mind that one foreign power in Italy was less dangerous than two, and offered an alliance to Charles on the understanding that war was to begin at once. By so doing he strengthened Charles in withstanding Wolsey's attempt to mediate at Calais, and so overthrew Wolsey's careful schemes and forced England to quit its mediatorial position. For the last nine months of his life he was the real guide of European affairs, and he died just as his policy had proved successful.

This is Signor Nitti's case in brief, and it is made out as well as any other case of a like kind. Signor Nitti does not overestimate the importance of his conclusions, or seek to extend them beyond the actual facts which they cover. He writes with great modesty, and when he goes beyond a narrative of facts shows real insight into the meaning of Italian politics. There are several incidental remarks which are worthy of one who has already made a noteworthy contribution to the understanding of Machiavelli. His book is one which is necessary to all students of the period.

M. PETRIBURG.

Il Duca di Savoia, Emanuele Filiberto, e la Corte di Londra negli anni 1554 e 1555. Reminiscenze Storico-diplomatiche raccolte su documenti inediti da GAUDENZIO CLARETTA. (Pinerolo: Tipografia Sociale. 1892.)

THIS is rather a disappointing little book. There are few episodes of the time of Philip and Mary that students of the period would rather see described by an eye-witness than the flying visit to England paid in the winter of 1554 by the young hero who was subsequently to restore and hand down to the house of Savoy the territories of which it had been dispossessed. The English chroniclers and foreign diplomatists of the time tell us little about it, and, truth to say, Signor Claretta does not seem to be perfectly acquainted with that little. But if we are disappointed at the lack of fresh information as to the duke's own visit and impressions, the hitherto unpublished letters which form the appendix of the pamphlet are a consolation.

The long war between Charles V and the king of France was still dragging on, and Emanuele Filiberto, a mere stripling, found his patrimonial territories taken from him by the chances of battle, all but a mere shred in the valley of Aosta. He himself was fighting like a hero in France for his kinsman the emperor, whilst post after post brought him sad news of the terrible suffering and oppression of his devoted people at the hands of their conquerors. The duke's great cousin Philip had a few months before wedded Mary of England, and was still spending his waning honeymoon by her side, and hopes were high on the imperial side that the added power and wealth of England would crush the French and end the war. We know now that those hopes were illusory, but Emanuele Filiberto held them, as others did, and was anxious that when the terms of peace came to be discussed his claims should not be forgotten. The emperor himself was already a shadow, the control of affairs was rapidly passing into the hands of Philip in England, and the young duke was anxious to see him and urge his case. But he was in the midst of war in an important command, he was dreadfully short of money, and was uncertain as to the sort of a reception he would get at the hands of his cousin. So he sent a harbinger, an ambassador named Gian Tommaso Langosco, count di Stroppiana, to clear the ground and prepare for his coming. The letters of this Langosco and a few of the duke's are those which Signor Claretta has transcribed from the archives of the state of Turin, and printed for the first time in the book now before us. They are extremely interesting in many respects, and are written in a vivacious and graphic style, without much diplomatic reserve or courtier-like grandiloquence, and curiously confirm, from an unexpected source, the views I ventured to express in the ENGLISH HISTORICAL REVIEW for April 1892 with regard to Philip's demeanour towards his wife whilst in England. Langosco, in a letter from Kingston (Signor Claretta in error says Kensington), dated 11 Sept. 1554, giving an account of his first reception by the king and queen, says, 'She (the queen) is not at all beautiful, and has a depressed air, which gives her the appearance of being much older than her years; but she is a gracious lady, and, I believe, must be extremely good. They say she is most prudent. . . . The

excessive honour that the king pays to her is almost incredible, and I hear that when she goes to mass the king himself goes to lead her from her own chamber and takes her on his right hand, returning in the same way. They always sleep together, and the bishop of Winchester tells me that she is quite ashamed of the honour the king shows her, and she says her husband treats her as if he were her servant. . . . She refers all business to him, and he manages all national affairs as if he had been here two years. . . . I notice that all the principal Englishmen seem most devoted and affectionate to him, and he laughs and jokes with them, evidently intending to act well and prudently.'

Langosco's embassy prospered exceedingly, although to the impatient envoy and his master somewhat slowly, as was Philip's wont in all things. But great promises of money and forces to recover the duke's dominions were unhesitatingly given, many of them subsequently to be broken, but undoubtedly well meant at the time, for Philip seems to have been really attached to his brilliant young kinsman, who yet had some years to wait before his bravery and genius had made it impossible to overlook him at the treaty of Cateau-Cambrésis.

One of the first things that the envoy had to tell the duke was the spontaneous honour to be done him by the sending of an English embassy to invest him with the garter, and Signor Claretta speaks with all the enthusiasm as of a new discovery of the information on this point contained in our own 'Calendars of State Papers.' One cannot escape, moreover, from the idea that this conferring of the garter on the duke of Savoy was the germ out of which the book grew. The prince of Naples had a similar compliment paid him by the queen last year, and far too much space in Signor Claretta's introduction is taken up in labouring this fact, and in fulsome eulogies on the present members of the house of Savoy; eulogies which, however well deserved—and no royal family deserves them better—are yet out of place in an historical work.

Langosco's great friend was Thirlby, bishop of Ely, and it was at first proposed that the duke, when he came, should be lodged in Ely Place; but Paget spoke to the queen about it when it became evident that the duke was to be made much of, and recommended that he should be given a house nearer the court, 'and proposed Courtney's house and that of Madam Elizabeth,' either of which the queen said he could have. Langosco was anxious to have his master well lodged, and thus compares the two houses (10 Oct. 1554):—'Madam Elizabeth's house is a palace outside (i.e. of the City), but it is large and quite near the court, on the Thames, so that your highness could go to court either by water or by the road. I am given to understand, it is true, that it is not very well arranged inside and many of the rooms are unfinished. It was the Protector's house. But if there is enough room for your highness it will do. I have not been able to see it inside, as the custodian of the house is away in the country twenty miles off, but he has been sent for. Courtney's house is rather out of the way, in a very bad position, in a filthy street, and there is no room for the horses, and withal it is not much nearer (to the Court) than Madam Elizabeth's.' Langosco must have seen Somerset House the next day, as on 12 Oct. 1554 Yaxley writes to Cecil a letter which Signor Claretta apparently has not seen, saying, 'It was told me this day that the am-

bassador of Savoy was yesterday to see my Lady Elizabeth's house in the Strand, and that there was order given for the putting of the same in readiness for the duke his master.'

In the meanwhile Clinton, Sir George Howard, and the other functionaries carried the garter with all honour to the duke in France, where it is to be expected that the magnanimous Emanuele Filiberto would not take the advice of his frugal envoy and put on his oldest suit of clothes for the ceremony, in order that garter king-at-arms, whose perquisite they became, might not get much of a haul. Philip was anxious that the duke should come to London soon, and Langosco was just as pressing; but many things stood in the way, want of money amongst others, and the terrible news of the suffering of his poor subjects; but at last Emanuele Filiberto writes that he will be stayed no longer, but will go to Savoy to succour and help his people, just calling into England first to kiss the queen's hand and thank her for the garter. So he rode through northern France, burning and spoiling as he went, and started from Calais for Dover in the last week of December 1554.

He had tarried long in Calais, much to Philip's displeasure, as he was impatient for his coming. Two of the queen's ships brought him over, and spiteful Noailles, writing to the king of France, said that the crews considered they had had a providential escape from capture, although they did not sight even a fishing-boat. He rode from Dover to Gravesend, where the earl of Bedford and a great train of gentlemen met him and took him, Hollingshed says, 'by water through London Bridge to Whitehall, where the king and queen then lay.' Philip's favourite plan of marrying the duke to Princess Elizabeth was no doubt even thus early in his mind, and is a probable explanation of the marked honours with which he was received.

Signor Claretta says, 'With what spirit Emanuele Filiberto ploughed the sea, the contemplation of which might have carried his thoughts to the poetry of the infinite, we know not.' Noailles, in a letter to his master dated 26 Dec. 1554, suggests an answer to Signor Claretta's doubt. 'The prince of Piedmont arrived three days ago at Dover, well accompanied by noblemen, it is said, and so sea-sick that he has been obliged to pass his Christmas there. It is said that his long delay, which has been against the wishes of the king and queen, who have been expecting him for a fortnight, has been due to want of money.' However much the Duke may have suffered in crossing the Channel, his sufferings can hardly have been more acute than those of his envoy Langosco. 'Thank God,' he writes on his arrival in England, 'we have all reached a safe haven here at last, but I promise your highness that the sea from Calais to Dover is the most miserable passage to be found in all the world, not so much for the danger of it as for travail of body.' The weather was so bad, he says, that they were kept three days in Calais, and attempted the voyage unsuccessfully twice, *non senza pericolo nostro*, and whilst suffering himself he gives to his account a true southern touch by saying, 'Monsignor di Poirino and the other gentlemen who came in my company all feared the sea more than I did, and most of all of them Master Hieronimo da Bolgaro, who really thought he would have left his skin behind him.'

Signor Claretta does not mention, nor does Langosco, the strenuous efforts that at the same time were being made in England in the duke's favour by the abbé de St. Salut, who, according to Noailles, was anxious for the restoration of Savoy because he had a rich benefice there, which he could not enjoy whilst the French held possession.

MARTIN A. S. HUME.

Despatches of Michele Suriano and Marc' Antonio Barbaro, Venetian Ambassadors at the Court of France, 1560-1563. Edited by the Right Hon. Sir HENRY LAYARD, G.C.B., D.C.L. The Publications of the Huguenot Society. Vol. VI. (London: 1891.)

THESE despatches are a valuable contribution to an already large stock of contemporary matter relating to the French religious wars. Suriano's letters lie between 1 Nov. 1560, and 10 Nov. 1561, and therefore give information as to the trial of Condé, the death of Francis II, the proposals for Mary Stuart's remarriage, the estates of Orleans and Pontoise, and the colloquy of Poissi. The first portion of Barbaro's despatches has been unfortunately lost, but the letters which remain extend from 8 Oct. 1562 to 5 Aug. 1563; their principal subjects are the capture of Rouen by the catholics, and the death of Navarre, the peace negotiations with Condé, and the battle of Dreux, the murder of the duke of Guise, the peace of Amboise and the capture of Havre from the English. To the historian nothing is so satisfactory as an ambassador's despatch written when impressions are absolutely fresh, and not liable, as memoirs or published letters, to subsequent 'touching up.' These Venetian despatches are models of their class. Suriano or Barbaro may be wrong as to details which do not come under their immediate view; Barbaro for example states that Selve was strangled by the Huguenots at Orleans by way of reprisal for the execution of their co-religionists at Rouen, whereas Selve, unlike his less fortunate companions, was spared. On the other hand many points, hitherto disputed, receive confirmation or amplification, and at all events the despatches serve as a faithful photograph of the opinions or impressions of the moment. Suriano adds definiteness to the rumour that Anthony of Navarre died a Lutheran, stating it more than once, and saying that he heard it from the king's own lips. The Cardinal Châtillon was, he adds, also a Lutheran, as opposed to Condé, who was a Sacramentarian. The report that immediately before the battle of Dreux the duke of Guise distrusted his regular cavalry as having Huguenot sympathies confirms the Tuscan envoy's statement that they were 'the most deeply infected people in the kingdom.' Barbaro gives interesting information as to the inveterate huguenotism of Dieppe, and he was an eyewitness of the iconoclastic havoc wrought at Rouen, where he saw part of the new fortifications composed of the legs and bodies of the images of saints, few of which then remained entire. Barbaro, too, well describes the discouragement of the catholics even after the battle of Dreux: it was incredible, he writes, that a kingdom as powerful as France, with a victorious army, should be so harassed by 4,000 Huguenot horse. The despair at the murder of Guise, and the detestation of the peace of Amboise were increased by rumours of the

king's aversion from catholicism. Barbaro transmits in the greatest secrecy a tale told him by an Italian friend in the household that the king and his brother had in a small and familiar party set themselves to mock at two images of St. Peter and St. Paul, bowing to them with insulting gestures, and then seizing them by the nose with the teeth in the most shameful manner; the king was advised indeed to desist, but only out of respect for the Italian gentleman. Of great interest are the references to the queen mother, showing the development of her power. During Suriano's embassy she is timid and distrustful, attempting in vain to reconcile court factions, professing unalterable zeal for catholicism, yet writing letters to the German princes which the Spanish ambassador declared could have but one meaning. The estates of the Isle of France insolently told her that it was her duty to watch over the health of the king and not meddle in the affairs of the kingdom. By the time of Barbaro's arrival many things had changed; Catherine is now ever active and all powerful, labouring assiduously to bring about peace, without considering her dignity or convenience, resolutely declaring that no one should share her authority. In the operations against the English at Havre, 'her own war' as she called it, the queen became herself commander-in-chief. 'The operations of the army were to be regulated according to the will of the queen, like everything else, as there was no one who interfered with her, except as a matter of form.'

The ability, writes Barbaro in another passage, shown in her attempts to improve the condition of the country was consummate. 'It might be said that she had behaved more like a devoted and diligent minister, than as a queen, conscious of her royal dignity. She had never considered in any way her own convenience, but had conscientiously laboured at all times, and at any sacrifice. The patience, ability, assiduity which she had shown, not only in giving her time to the councils of state, but in constant audiences, were incredible. She appeared to delight in these labours, and she did much more than was expected from one of her sex, or from even a brave and experienced king and commander-in-chief, as she insisted upon being present at all engagements—and even in the trenches within cannon and musket shot. The whole weight of the government of the kingdom was upon her shoulders.' Yet Barbaro does not conceal Catherine's unpopularity at Paris, to which Suriano had given earlier testimony. She was held, he writes, on 2 March, 1563, to be the cause of all the misfortunes that had happened, and she was intensely hated. The preachers of Paris were already inciting the people against the peace, and against the government. The parliament feared popular tumults on the proclamation of the peace, 'as the population was using very violent language against her majesty and was issuing disgraceful and filthy libels against her.' We see, in fact, already the origins of that hatred of the Parisians for the queen which has distorted the historical conception of her character.

In the translation of the Italian text we have noted some unfortunate errors. On p. 68 *terre di Parlamento* should be translated not 'parliamentary districts' but 'the towns in which the parliaments had their seat.' On p. 37 *far diventar questo Regno cantoni di Svizzeri* is wrongly translated 'to reduce his kingdom to the condition of a Swiss canton.'

The meaning rather is 'to reduce this kingdom to the Swiss cantonal system;' for this is a reference to the accusation brought from first to last against the Huguenots, that their intention was to disintegrate France into a federal republic on the Swiss model. On p. 78 *le sue genti di armeria e tutte le sue ariere bande* is not 'all men fit for service and "arrièrebands"', but 'the gendarmerie [the regular cavalry] and the arrière-ban [the feudal levy].' More serious is an error on p. 27, for it implies a confusion between the parliament of Paris, the great legal court, and the estates, the representative body, of the Isle of France. Instead of 'these decisions should serve as a precedent for the parliament of Paris,' we should read 'these decisions should serve as a precedent for that of those estates.' Finally, it is not easy to understand why Barbaro's word for cider, *sisto*, should appear as *scoto* on p. 107.

The transliteration of the Italian forms of French names, when performed, as we believe was the case in this instance, at a distance from books of reference, is often difficult. A few corrections may therefore be suggested. We should read Auzance for Osane (p. 31), Aumale for Omeda, and Meudon for Medun (p. 44), Gonnor for Ugonort (p. 57), Chevrières for Scevara (p. 85). M. de Lagia, mentioned in Barbaro's letter of 4 June, 1563, is not d' Allegré, but the celebrated *intrigant* La Haye. He reappears in the letter of 5 July as L' Agia, Alaia, and Laia, and confusion is introduced into the translation by ascribing the second of these forms to the queen's secretary Alluye, and by printing the third as Laria. Such slips apart, the Huguenot Society is to be warmly congratulated upon this fresh proof of the utility of its labours.

E. Armstrong.

Calendar of State Papers, Domestic, 1645–1647. Edited by W. D. Hamilton. (London: H.M. Stationery Office. 1891.)

The papers calendared in this volume begin with July 1645 and end with December 1647. Those relating to 1647 are very few in number and occupy only about eighty out of six hundred pages. Those relating to 1645 and 1646 are seriously diminished in number and importance, owing to the disappearance of the entry books containing the correspondence of the committee of both kingdoms during this period. The books containing letters received by the committee are wholly wanting, and those of letters sent extend only till March 1647.

The most valuable part of the volume consists of intercepted royalist letters. Lord Digby's correspondence was captured at Sherburn in October 1645, and a portion of it published by the parliament. Other letters, which they did not think fit to publish, are now printed for the first time. Edward Walsingham's letters from Oxford throw much light on the intrigues of the different parties amongst the king's supporters. The disaster of Naseby was generally attributed to Rupert. 'What is become of the wisdom of the English nation,' said a foreign general, 'that they suffered themselves to be ruined by that rash young man?' and added that anger would not let him pity the king who permitted it (p. 49). Walsingham and Digby's party in general shared this feeling. 'Now is the time,' wrote the former, 'to take the bridle out of Phaeton's hands

and permit him not a third time to burn the world' (p. 59). But Digby could not get rid of Rupert till after the surrender of Bristol, and his own leadership was still more disastrous. His futile attempt to join Montrose led to the destruction of the king's last body of horse. No one blamed more severely the want of care which led to the capture of the king's letters at Naseby. 'It was unfortunately and heedlessly lost,' wrote Digby to the queen. 'To leave so precious things in a waggon! I thank God I lost none of mine' (p. 18). When Digby's letters were captured, four months later, the parliamentarians were very merry over this passage ('Clarendon State Papers,' ii. 193). Of the other royalist letters the most interesting are several from Hyde (pp. lix, lxiii, 46) and some from the queen. In one she intercedes with Pope Innocent X for the canonisation of Robert d'Arbrissel; in another she requests him to show some favour to Richard Crashaw, the poet, recently converted to catholicism (pp. 467, 552). Of the letters written by parliamentarians those belonging to the correspondence of the Vane family are of the most interest. They do not appear to have been known to Professor Hosmer when he wrote his life of Sir Harry Vane the younger.

Many points of interest might be noted amongst the miscellaneous documents, but a few instances will suffice. As the parliament captured the royalist castles it began to adopt the plan of making them untenable, but at first with some hesitation. The committee of both kingdoms forbids the committee of Shropshire to destroy High Ercall House. It would be enough to slight the works and drain the moat. 'There is not much fear that it should be again made a garrison, neither do we think it fit that all houses whose situation or strength render them capable of being garrisons should be pulled down. There would be then too many sad marks left of the calamity of this war' (p. 403; compare the treatment of Beverstone and Berkeley Castles, pp. 85, 154, 157). There are several notices of the fate of the prisoners taken at Naseby, some of whom were induced to take service in Ireland, others allowed to enter the English regiments serving in Holland (pp. 4, 7). The victories of Fairfax's army do not seem much to have diminished the difficulty of recruiting it. In January 1646 the counties were required to furnish some 8,000 more pressed men, and the instructions show that the recruits lost no opportunity of making off during their marches to join the army. 'In former imprests,' writes the committee of both kingdoms on 30 Aug. 1645, 'there have been so many miscarriages by retardings, defective numbers, and running away, that the army has never yet had the numbers assigned by the establishment' (pp. 10, 99, 170, 319).

In conclusion a few errors and misprints may be noted. The document calendared on p. 285, concerning the disputes between the marquis of Dorchester and the earl of Rutland, belongs properly to the reign of Charles II. The apology of Lord George Digby, calendared on p. 504, was published 4 Jan. 1642. On p. 26 for 'Amslow' read 'Annesley;' p. 28, for 'Ewling' read 'Evelyn;' p. 93, for 'Kora' read 'Boza.'

C. H. Firth.

Epistolae Ho-Elianae: *The Familiar Letters of James Howell, Historiographer Royal to Charles II.* Edited, annotated, and indexed by Joseph Jacobs. (London: David Nutt. 1892.)

In spite of their strong claims to be more widely known, the 'Epistolae Ho-Elianae' have had long to wait for a modern editor; for, while eleven editions appeared between 1645 and 1754, the dozen is only now made complete in these two handsome volumes. With the exception of the proper names, for which he goes back to the original issues of the several books, Mr. Jacobs adopts the text of 1737. Whether he was well advised is open to question. His fear that readers would be repelled by seventeenth-century spelling was probably exaggerated, since, apart from faulty punctuation and other easily corrected blemishes, the author's own editions of 1645–1655 are perfectly readable, and many no doubt would have preferred to see him in the garb of his own time. With this reservation, the manner in which the text has been reproduced leaves nothing to be desired, and the edition has the further advantages of a copious introduction, notes and bibliography, appendices of additional letters and other documents, and a combined index and glossary. The account given of the author is full and appreciative; indeed, in his admiration for his style, Mr. Jacobs makes out that no one wrote a simple uninvolved English sentence till he showed the way.

Howell, who was son of a Welsh parson, took his degree at Oxford in 1613, and from the time when he came up to push his fortunes in town his various employments down to 1630 are tolerably well ascertained. His connexion with Sir Robert Mansel's glass factory in Broad Street, his tour, partly on Mansel's business, in the Netherlands, France, Spain, and Italy in 1617 (?)–1620, his acting as tutor to the sons of Sir Thomas Savage and Baron Altham in 1621, his quasi-diplomatic mission for the Levant Company to Madrid in 1622–24, and his appointment as official secretary to Lord Scrope, afterwards earl of Sunderland, President of the North, in 1626—these stages in his chequered career are all more or less fully illustrated in his own letters. In the editor's phrase, the last-named post was 'a snug thing.' During his tenure of it he was elected member for Richmond in the short-lived parliament of 1628–9; and although he lost it at the end of 1628, when Sunderland resigned, he got some compensation and remained attached in a private capacity to the same patron till the latter's death, in 1630. After this, however, except for two months in 1632, when, much to his own satisfaction, he acted as 'orator' to Lord Leicester's embassy to Denmark, we learn very little of his means of subsistence down to the outbreak of the civil war. Mr. Jacobs has his own theory to account for this, and would have us believe that his reticence is due to the fact that he was a paid government spy. It is an ugly charge against one who lived on familiar terms with some of the best known men of his time, but happily the evidence for it amounts to very little after all. Without the alternative of espionage there were certainly other ways by which he may have lived, even if his Jesus College fellowship brought him nothing. As to this Mr. Jacobs is not so explicit as he might have been; for, although he prints the record of his election as fellow on 4 April, 1623 (when he was in Spain), he does not tell us

whether he was ever admitted, or whether any stipend was paid to him, particulars which probably might have been easily obtained from the Jesus College books. No doubt Howell, as 'a pure cadet' (p. 372), lived mainly by his wits, but there are no valid grounds for supposing they were not honourably employed. He had plenty of influential friends and a rare knowledge of languages, which he is known to have early utilised as a teacher, though his published philological works, such as the valuable 'Tetraglotton,' did not appear till after the Restoration. Moreover, he was a born journalist, and, in the absence of newspapers, budgets of news like those he wrote to Wentworth, printed in the 'Strafford Letters,' no doubt had their market value. 'Intelligencer' and spy were, however, not necessarily synonymous terms; nor, again, is it fair to assume that he went in the latter capacity when he speaks of going to Orleans for Windebank, or of visiting Richelieu at Ruelle. The same theory serves the editor to explain Howell's arrest by the parliament in November 1642 and his confinement in the Fleet till 1650. But there is no proof whatever that he owed this treatment to any ill-repute as a spy. As much as anything, it was probably due to the king's having recently appointed him clerk of the council in extraordinary, which he did on 30 Aug. 1642 at Nottingham. The honour was a barren one, but he was quite vain and tactless enough to draw notice to himself by parading it. Had the reason been as Mr. Jacobs contends, we should have heard of it from Prynne, who had a lively controversy with Howell in 1644. But, instead of stigmatising him, this not too scrupulous antagonist treats him with marked respect (p. 680); and, on the express authority of members of the house who had examined his papers, he gives as the cause of his restraint, without a hint of any more dishonouring charges, 'that he had been in armes against the Parliament and was a dangerous Malignant . . . who, by reason of his abilities and acquaintances with Malignants, might probably do much mischief.'

Howell's imprisonment, never very rigorous, both kept him out of harm's way and, under pressure of poverty, stimulated his activity as an author. Of the score of works, chiefly pamphlets, which he published while in the Fleet, the collection of his 'Familiar Letters . . . Historical, Political, Philosophical, was by far the most important; but, while there can hardly be two opinions as to their varied interest and attractive style, their historical value has been justly disputed. Tested by dates, their claim to authenticity fails in many cases completely. Nor is it only that as often as not the date attached is demonstrably wrong. If this were all, it might be explained; for, as Mr. Jacobs points out, books i. (1645) and ii. (1647) were first published without any dates at all, and it was not till their re-issue with book iii. in 1650 that Howell supplied the want. But admitting that he then did so merely 'from memory and at hap-hazard,' there is still the awkward fact that a single letter frequently gives as current news events known to have occurred at different times, ranging even over several years. Mr. Gardiner gave a glaring instance in the preface to vol. iv. (1886) of his History, and many others as bad are added by Mr. Jacobs in his useful notes. The evidence of 'cooking,' as he terms it, is, therefore, incontestable; the difficulty is to define its extent. His own view is that Howell had by him copies and notes of his

correspondence, some dated and some not, that he 'naturally shrank fr the difficult task of settling their dates from internal evidence,' and th 'the only resort was to remove all dates, fill out notes, dovetail fragmen and arrange by guess-work.' With the obvious addition that he also ha the use of printed works, something of this kind would really seem t have been the case, but the proceeding was a strange one and reflect little credit on his judgment or candour. Unfortunately we cannot for an idea of his method by comparing any of the published letters with th originals, for, somewhat significantly, not one is known to exist. M Jacobs, indeed, thought he had come on the traces of some in a notice of manuscript belonging to Lord Westmorland; but, on his inquiring for th volume, it appeared to have been sold and his efforts to find it were fru less. Others have been more fortunate. By a strange chance, very short after his book appeared, the missing manuscript turned up at a publ sale, and it is now in the British Museum (Add. MS. 34217). It contai historical collections made by Sir Francis Fane, earl of Westmorland 1624, and includes two capital letters of Howell written from Madrid May–June 1623. They are not originals, however, as Mr. Jacobs su posed, and neither of them was printed by Howell. This is much to regretted, not only for the reason suggested above, but because they fill gap in one of the most interesting, and apparently least manipulate sections of the 'Familar Letters,' namely, that which deals with th Spanish match and the memorable visit of Charles and Buckingham Madrid.

Although in many respects so untrustworthy, Howell's work is st far from being historically valueless. On the contrary, some at least the letters really are to all appearance what they profess to be, thou the date at the end may need correction. In others again the interpolat and incongruous matter may be easily disconnected; while, at the wo those which are most likely to have been wholly concocted years later the Fleet contain the reminiscences and reflexions of a singularly co petent observer, merely using the epistolary form for greater effect. M Jacobs would even include among the genuine letters the single o addressed to Buckingham (p. 232). From its impertinent tone this is least doubtful; but its value as an outspoken comment on the favourit position is in either case much the same. Possibly it was Howel revenge for the duke's saying that he was 'too much Digbyfied' to taken into his service (p. 239). The account, in a letter to Lady Scro of Buckingham's murder stands on a different footing, having all the of having been written off at once on receipt of the news. It is a g example, too, of Howell's graphic style, for, although his facts were o tained from a letter shown to him by Lord Rutland, the language doubt is his own. Another letter of tragic interest is that which gi the news of Raleigh's return from Guiana and speculates on his probab fate. Its authenticity, however, is out of the question, since it purpo to be written from London on 28 March 1618, whereas Raleigh did reach Plymouth until June (which Mr. Jacobs oddly calls 'three mon *before* the alleged date'), and Howell was then certainly out of Engla If Mr. Jacobs is right, he had actually been abroad for more than a y having started in the spring of 1617; but there are some grounds

thinking this date just a year too early. Otherwise, on his return at the very end of 1620, he would hardly have spoken of his travels as an 'almost three years' peregrination' (p. 99). The probability, therefore, is that the date of the letter in which he writes, 'I am this week for the Netherlands,' is for once correct, and that the paragraphs about Raleigh were foisted in when it was prepared for press. They possess a further interest as having provoked a remonstrance from Raleigh's son Carew, to which Howell replied in a long letter printed two years later in book ii. (p. 479). In a moment of candour or forgetfulness, he there distinctly avows that his former statements, ostensibly written directly after Raleigh landed, were based on the king's declaration, which was not published until after he was executed.

Enough has been said to show that, for historical purposes, Howell must be used with caution. Subject, however, to this proviso, the 'Familiar Letters' are admirable reading from first to last, and in the large number which have no direct historical or political bearing, and in regard to which the question of authenticity is practically of little moment, there is not even so much alloy. Mr. Jacobs justly remarks on the author's flexibility of style. He had a fluent pen, and no subject seems to have come amiss to him. His descriptive powers, as shown in his letters from abroad and many others, were exceptional, but the letters which, genuine or not, are really of the nature of essays are almost equally racy and entertaining. He had seen and read much, and is never at a loss for an anecdote, quotation, or proverb, the last being a form of illustration to which he was extremely partial. But the learning he displays was not very deep. Most of it, as the editor says, 'was second-hand. His account of the various religions and languages of the world was taken from Brerewood; his knowledge of the East from Sandys; his essay on French from Pasquière; his Welsh lore from Herbert and Rice; his discourse on the moon from Wilkins;' and so on (p. lxv). His more private and personal letters are of all sorts, but throughout they are of value, if only for the glimpses they constantly afford of social life and manners. Many are gossip and trifling, or variations, more or less fanciful, on the theme of friendship. He rebukes Ben Jonson for his satire on Inigo Jones, rallies him on his poetic 'madness,' or sends him a Welsh grammar, or, again, he describes a 'solemn supper' with him, when he spoilt the relish of his guests by engrossing the talk. He advises one friend on his conduct in travel, another on his studies at college, a third on the printing of his poems. He recommends a running footman or a cook, or dilates on matrimony, on the virtues of tobacco, and on the evil habit of swearing. In a more serious vein, he takes leave of one who is dying, or consoles for the loss of a husband or a friend. His letters to his father and to his brother, the bishop of Bristol, are excellent, and that on his father's death to Bishop Field is a model of good taste and right feeling (p. 306). The later letters, dated from the Fleet, are also to his credit. Though he chafed at his confinement, it did not long damp his spirits or embitter his pen. For obvious reasons he avoided personal reflections, but he speaks his mind freely on the state of public affairs. There is a striking letter on this subject, dated 3 Aug. 1644 (p. 485), and another, to Sir Kenelm Digby, at Rome, of 3 Mar. 1646–7 (p. 507). At

the same time, his royalist principles were somewhat loosely held. As early as 3 Sept. 1644, he had to defend himself to the king on a charge of lukewarmness (p. 488), and the dedications of his books before the Restoration exhibit a curious impartiality (p. xlv). It may be noted that Cromwell, to whom he dedicated his 'Sober Inspections' in 1653 (p. xcii), is not once mentioned in the 'Letters;' but Mr. Jacobs is no doubt right in concluding that Milton is meant by the 'poor, shallow-brain'd puppy' of book iv. 7 (p. 569), if not by the 'triobolary Pasquiller,' and 'sterquilinous rascal' of book ii. 48 (p. 442).

Where there are so many chronological difficulties and obscure allusions, good notes are essential. Those in the present edition are the first with which Howell has been favoured; and, generally speaking, they are commendably brief and to the point. As there is so much for which to be grateful, it is the more disagreeable to remark that the care and pains for which the editor takes credit must have been intermittent. Instead of saying plainly who and what a person was, he has a provoking habit of merely indicating where else he is mentioned. A single sentence would have told the reader all he wants to know of Sir William Boswell; what he gets is the question, 'Can this be Bacon's executor?' (p. 789). Possibly Boswell is too well known to need a note; but, to take another case, this cannot be said of Judge Rumsey (p. 661). Of his mysterious 'provang' we are told nothing, and of himself only that he 'was an old college chum of H.'s,' which he was not. The Rumsey of Jesus (the chumship is an assumption) was Edward (p. xxvi); the other, who was a judge in Wales, was Walter. Some of the notes are awkwardly expressed, and others, such as that on book ii. 68 (p. 493), 'The present letter—Spanish lore,' are evidently misplaced. Occasionally too Mr. Jacobs contradicts himself. Thus he says that Sunderland gave Howell the advowson of Hambledon (p. xxxviii), and that Howell bought it (p. 783). Again, on p. xxviii he states, as above mentioned, that Howell left England in the spring of 1617, but when a letter (book i. § 1, 5), quite in consonance with this theory, is dated 1 Apr. 1617, he notes, 'This is clearly a mistake for 1619.' More strangely still, we learn (p. 750) that Mentz is 'now Metz' (Gustavus of Sweden holding his court at Metz!), and that the infanta of 1623 owed her thick lip to her being of the 'Austrian family of *Bourbons*' (p. 727). Of the identifications two at least need correction. The marquis of Dorchester addressed in book iv. 12 (p. 578) was not Dudley Carleton, who was never more than viscount, but the versatile Henry Pierrepoint; and there was no 'Jackson, bishop of London,' of whom T. Jackson (book ii. 28) was 'probably a relative.' Reference is made, indeed, to the 'Bibliographical List,' No. 37 (really 17), where he appears as the recipient of the dedication of Howell's 'Angliæ Suspiria;' but the right reading is Juckson, of course for Juxon. Mr. Jacobs has a hit (p. x) at seventeenth-century printers, but they are amply revenged. The title, as he gives it, of the work just named is a typographical curiosity, and it is not the only one in the 'List' which challenges criticism on the same or other scores. As for misprints, they abound, both in notes and introduction. The aid of Mr. C. H. Firth in the notes is loyally acknowledged, but it seems quite a chance whether he appears under his own name or as 'Mr. Frith,' and there is the same uncertainty between Strafford and

'Stafford.' Without going beyond proper names we have also 'Fenton' for Felton (p. lxx), 'Finetti' (gen. of the latinised form) for Finet (p. 704), 'Burnet' for Brunet (p. 793), and 'Henford' for Hereford (p. 738). Lastly (though errata are by no means exhausted), when L'Estrange replied in 1661 to Howell's 'Cordial for the Cavaliers,' he did not borrow its title and produce 'his own "Cordial,"' &c. (p. xlviii); his pamphlet was 'A Caveat for the Cavaliers.' G. F. WARNER.

The Table Talk of John Selden. Edited by S. H. REYNOLDS. (Oxford: Clarendon Press. 1892.)

MR. REYNOLDS in reprinting Selden's well-known 'Table Talk' has given us a good text so far as it can be secured where no original manuscript is forthcoming, and has accompanied it with a body of judiciously chosen notes which enlighten without overburdening the reader. In the famous passage on the three estates, indeed, a further emendation seems to be required, as Selden can hardly have written that they 'are the lords temporal, the bishops *are* the clergy and the commons' where 'the bishops *and* the clergy' would make excellent sense. On another point Mr. Reynolds does not see a difficulty which really exists. Twice in the 'Table Talk' Selden is made to say that the members of parliament imprisoned when the speaker was held down in his chair were imprisoned in the third year of Charles I, a mistake also made by Whitelocke. In reality they were imprisoned on 4 March $162\frac{5}{6}$—that is, almost at the close of the fourth year of Charles's reign. In the confessedly difficult passage in which Selden speaks of 'incendiaries of the state' (p. 83) Mr. Reynolds does not give us much help. 'They,' writes Selden, 'that first set it on fire [by monopolies, forest business, imprisoning of the parliament-men 3° Caroli, &c.] are now become regenerate, and would fain quench the fire. Certainly they deserved most to be punished for being the first authors of our distractions.' In an excursus Mr. Reynolds, without venturing to be dogmatic, suggests that Laud was pointed at. Laud, however, had nothing specially to do with the forests, and I should suggest, though not without diffidence, that the remark was made in the summer or autumn of 1641, when Holland, Pembroke, and others, who had sat in the council when the fire was first lighted, had turned round and were taking part in the opposition. The reference to the forests would be particularly appropriate in the case of Holland, who had presided over the court by which their bounds had been enlarged.

It is a pity that Mr. Reynolds has not given a less vague sketch of Selden's position and character in his introduction. There was so much in him of the *Geist der stets verneint* that the rare occasions on which he stood forth boldly for a great cause deserve to be emphasised. Foremost amongst them is the scene in 1647 in which he appeared almost alone in parliament to support the demand of the English catholics for toleration. He then dwelt upon that distinction between idolatry and prayers to the saints which he only concedes in the 'Table Talk' (p. 80) to 'learned papists.' His argument on this occasion won for him from an Italian priest the compliment that he was *tutto interamente ecclesiastico sine ecclesiâ.* SAMUEL R. GARDINER.

Elisabeth Farnese, 'The Termagant of Spain.' By EDWARD ARMSTRONG. (London: Longmans, Green, & Co. 1892.)

ONE would prefer to take this book as what its author considers it essentially to be, viz. a study in diplomacy. As such, if it does not precisely fill a gap, it treats with remarkable intelligence, and with no ordinary degree of research, a period of European politics on which Mr. Armstrong is quite correct in saying that but little light has been thrown by English historical writers since the days of Coxe. More than this, Mr. Armstrong's book, like the writings of O. Weber to which he makes reference, shows that even in writing the history of treaties it is possible to think for oneself. Nothing could be better in its way than the examination in the volume before us of the relations between the so-called Bourbon Family Compacts, as to which I for one have long felt it impossible to accept the conclusions of Professor Seeley; although Mr. Armstrong's doubts as to the formal ratification of the Secret Treaty of the Escurial have been set at rest by the further information obtained by him in time to be added in an appendix. Nor again—to turn to a broader issue, and one concerning which it was required, not to make a new point, but without wearisome repetition to bring home the clear facts of the case—could the responsibility of the English opposition for the outbreak of the Spanish war in 1739 have been better established than by Mr. Armstrong's description of the political situation between the two countries in that and the preceding year. Lastly, even on the more doubtful ground of political speculation, where assent is less easily commanded, the author of this book is at once interesting and original. I cannot follow him in his estimate of the benefits conferred upon Italy as a nation by the anti-Austrian policy pursued by Elisabeth Farnese in the interests of her offspring; but there is matter for reflexion in his observations, even where they have a flavour of paradox, and his comments on the episode in the history of Sicily on which he has occasion to touch are well worth considering.

I have hastened to place in the forefront of my remarks upon this book an acknowledgment of some among the merits which it appears to me unquestionably to possess. For I cannot escape the necessity of saying that in my judgment it is disfigured, more especially in the earlier part of the volume, by flippancies of style which are only too surely calculated to make the judicious grieve. They sit, however, so uneasily upon the writer that there can be but little fear of his repeating such manifest offences against good taste in his next historical work; and in this expectation I prefer to dwell no further on an unpleasant topic.

Should it be asked whether Mr. Armstrong was justified in giving a biographical framework to a narrative which, as he says, is inevitably the history of a period rather than of a person, my reply would be that he has by no means judged amiss. 'The weight of a strong personality,' to use his own apt phrase, is warrant quite sufficient for the biographical treatment of any chapter of history in which such a weight has made itself distinctly felt; while the advantages of this method, unless for experts trained on Martens and Hertslet, are too obvious to need insisting upon. Nor is the fact that the personal influence of Elisabeth Farnese

upon the period of European politics coincident with that of her married life was of its kind unparalleled, contradicted by apparent inconsistencies in her conduct, or by the unmistakable limits to her capacity and weaknesses in her character. She was hardly even one of those personages who (conveniently for themselves) depend on their power of piercing to the root of affairs without being at the pains of mastering details; but of her personal and family interests she never lost sight, even when they conflicted with strong private feelings, such as her aversion to France and French influence. And as to her character, although Frederick II may have gone too far in calling her great, yet he well described her nature as made up of the fiery soul of a Roman and the masculine courage of an Englishman, of Italian *finesse* and French vivacity; and we may conclude that she was born to rule and not to be ruled. Nothing, by the way, could be more futile than the objection which I see has been taken to Mr. Armstrong's adoption on his title-page of Carlyle's nickname for Elisabeth: 'The Termagant of Spain.' Apart from her initial victory over the dread Madame des Ursins in an encounter worthy of being sung in the *Nibelungenlied*, and from her famous exclamation, as at the time of the congress of Cambrai she trampled upon the portrait of the King of France, 'The Bourbons are a race of devils!' we have the testimony of Stanhope to her tirades against Lewis XV, the Duke of Bourbon, and the entire French nation on the provoking occasion of the Leszczynska marriage; her avowed regret that she could not box the ears of the king of Portugal, &c. &c. But notwithstanding the records of these and analogous amenities, it is noticeable how scant are the actual biographical materials which, in spite of researches for which he deserves every credit, Mr. Armstrong has been able to collect. This may be in part due to the appalling monotony of Spanish court life, which would have dried the ink in the pen even of the duchess of Orleans; and who was there in the intellectual wilderness of San Ildefonso to think of beguiling the ineffable tedium of existence by placing it on daily record? Still, for whole portions of the queen's life, for the long years of her widowhood in particular, our knowledge of her personal history seems almost to vanish into nothing. Her biographer has therefore done well to make the most of such notices of the queen as remain from contemporary hands, beginning with Alberoni's and ending with that of the jaundiced Bishop Vauréal of Rennes, and including her portrait drawn by St. Simon's master-hand. From him may best be gathered wherein lay the real charm of Elisabeth Farnese's personality—a charm perfectly compatible not only with certain physical drawbacks, but also with the long list of failings of every kind industriously set down by Vauréal. She too was, as Goethe would have phrased it, *eine Natur*.

With relatively so little biographical and so much other material at his command, Mr. Armstrong has, on the whole, succeeded in keeping the thread of his personal narrative in hand while carrying on his relation of wars and negotiations. In both divisions of his task he might have saved trouble to his readers by more frequent and precise chronological references, more especially as his index is of the slender sort. Thus, in particular, recourse must usually be had to the genealogical table at the end of the volume (which, moreover, is not quite accurate) for the dates of the births

of Queen Elisabeth's children, albeit they count for so much in her history. Here and there, too, the printer has escaped supervision; 'the succession of Juliers-Beró' is a daring flight. That Grimaldo was discharged 'from the *Viennese* department of Foreign Affairs' cannot surely be meant to be figuratively spoken.

In many ways, of which Elisabeth in her ignorance had no conception, the long reign of her husband witnessed an extraordinary transition in the life of the Spanish people and state. Unfortunately, this transition was not, as yet at all events, accompanied by any material advance in the indispensable conditions of economic prosperity. Instead of this, the most brilliant of the statesmen whom Elizabeth favoured, though she threw them over as easily as she took them up, offered to their adopted country a return to the restless foreign policy of the 'great' Habsburg reigns, and to the financial sacrifices which it brought with it. But Elisabeth had no national aspirations, and cared nothing for the schemes of Alberoni or the intrigues of Ripperda, except as the means towards her own dynastic ends. And even these were limited to the advancement of her own immediate family. It may be doubted whether she cherished a more than mediocre sympathy with the one political ambition dear to her lethargic husband's soul—his eventual succession to the French throne—which has been, though erroneously, supposed to have co-operated in inducing him to renounce his own. For such a princess there is no remembrance among great national queens, or even by the side of such as, while endowed with far feebler powers than hers, have to the extent of their abilities identified themselves with the interests, the sentiments, or the ideals of their peoples. But not the less is the life of Elisabeth Farnese deserving of attentive study, and even of a peculiar kind of sympathy. As an obstacle to the peace of Europe she rivalled Charles XII himself; as a wife she carried the art of indirect government to the extreme pitch of the possible. Yet Philip V, as Döllinger mentions, had been solemnly exhorted by his grandfather never to decide except for himself, because he could thus only make sure of the divine illumination. When Lewis XIV gave this advice, he had, by the way, been for twenty years under the control of Madame de Maintenon. A. W. Ward.

The American Revolution. By John Fiske.
(London: Macmillan & Co. 1891.)

Mr. Fiske has written the best history that we possess of the war, looked at both from a political and a military point of view. He always has a definite meaning and brings it home to his readers. He never loses himself, as his more ambitious countryman Mr. Bancroft too often does, in a fog of majestic conventionalities. Though he does not set himself to the production of purple patches, there is no small measure of force and dignity in the passage where he sums up the work of Chatham as a statesman, even if there be something of an unacknowledged debt to Lord Macaulay, and even if it be somewhat fanciful to ascribe to him, at least as a conscious agent, the creation not only of the United States and of the industrial democracy of England, but also of modern Germany. Mr. Fiske's book would be a thoroughly good one but for one shortcoming.

In a book dealing with so many controversial points, space should have been found for reference. There was no need whatever for copious bibliographical notes or appendices such as those in Mr. Winsor's 'Memorial History.' It is not necessary to take the guest into the kitchen, to parade before the reader all the material out of which the book is built up. But where there is difference of opinion, a reader should know what witness the author is calling in each case.

Mr. Fiske's training makes it comparatively easy for him to approach the whole subject impartially. American writers of greater literary power, and in some respects of more acute perceptions than Mr. Fiske, such as Mr. Lodge and Mr. Henry Adams, can see in the struggle for independence nothing but the conflict of vitally differing creeds. England is to them nothing but the personification of certain political principles, from which the United States have freed themselves, against which they protest. In Mr. Fiske's eyes the colonies, when they cut themselves adrift, were simply contending for the maintenance of their hereditary principles; their later political life was but a further development and application of these principles. The difference was really administrative rather than political; so far as it was one of principle, the colonists were, as Burke throughout contended, the real upholders of English constitutional doctrines. The true nature of the difficulty which throughout kept the two parties asunder has never been more clearly stated than it is by Mr. Fiske. It arose, as he points out, from the change which had gradually and informally come over the status of parliament. Theoretically, parliament owed all its power to its representative character. One very important part of its power, the right to tax, could only be justified by reference to that character. But ever since the revolution of 1688 parliament had been assuming to itself other powers which could not be justified or explained by reference to its representative character. Thus, as Mr. Fiske puts it, 'the chief difficulty lay in the fact that while on the one hand the American principle of no taxation without representation was unquestionably sound and just, on the other hand the exemption of any part of the British empire from the jurisdiction of parliament seemed equivalent to destroying the political unity of the empire.' Those who discriminated between taxation for purposes of revenue and taxation for purposes of administration saw this. They would in fact have assigned to parliament two sets of powers: powers of taxation derived from its representative power, and therefore inapplicable to the colonies; and powers of administration, resting on public utility and extending over the whole empire.

Here one may point out, what Mr. Fiske clearly implies, though he does not definitely express it, that there was a very wide difference between the policy of Grenville and those who supported him on the Stamp Act and the policy of George III and Lord North. The latter was what we may call distinctly a cabinet policy; it was an arbitrary policy framed by the king and his advisers to be enforced with the consent of a hired majority. It needed a very moderate perception of the accepted principles of English constitutional liberty to see the evil character of such measures as the Boston Port Bill and Lord North's other four acts of 1774. Grenville was a man, trained in whig traditions, with a clear

perception of the doctrines of 1688, but no power of understanding or sympathising with the wider principles which underlay them. To such a one the Stamp Act would present itself as simply a natural extension of the functions necessarily inherent in parliament. Men of more liberal principles and wider perceptions than Grenville, the whig followers of Rockingham, did not at once see that from a colonial point of view the authority of parliament, just as much as that of the crown, was external and unrepresentative. Looking at the question as he does, Mr. Fiske can resist the temptation to lay exaggerated blame upon individuals. He sees that the difficulty largely arose from causes which might indeed have been prevented, but could have been prevented only by exceptional intelligence and forbearance. He is severe to George III, but probably not severe beyond his deserts. One may, however, doubt whether too much of deliberate purpose is not ascribed to the king. Mr. Fiske says that 'if the American position that there should be no taxation without representation were once to be granted, then it would straightway become necessary to admit the principles of parliamentary reform. . . . The system of rotten boroughs would be swept away; the chief engine of kingly corruption would thus be destroyed; a reformed house of commons, with the people at its back, would curb for ever the pretensions of the crown.'

Mr. Fiske's praiseworthy admiration for Chatham rather blinds him to the fact that the king's spirit of autocracy, which bore such evil fruit, was in a large measure a plant of Chatham's own fostering. The tone of his letters to the king would have been in an ordinary man fulsomely servile. In Chatham's, they were but illustrations of that exuberant rhetoric of which the writer, even in the utmost freedom of private correspondence, could not rid himself. But one can hardly wonder if the king felt justified in holding his own opinion against a minister who, in return to an ordinarily civil note, 'begged to lay himself with all duty and submission at the king's feet, and to offer the tribute of a grateful heart, wholly unable to give expression to the feelings of veneration and devotion with which it is penetrated by his majesty's infinite goodness.' The logical consequence of such language was the conduct not of Chatham, but of North. One cannot wonder that a clear-headed man like Burke, playing the game of opposition to arbitrary power with a keen perception of the value of each move, should have loathed the 'true Chathamic style.'

Few will dispute Mr. Fiske's justice in singling out Charles Townshend as the most culpable among the English statesmen concerned. His union of brilliant debating powers with a total absence of administrative ability and of any sense of the responsibility involved in power illustrates our parliamentary system at its very worst. He seems to have looked on a political measure, not as a machine for bringing about certain political ends, but simply as an opportunity for letting off oratorical fireworks, and for annoying certain persons whom he disliked.

As I have just said, the causes of the revolution for the most part lay too deep to be greatly influenced by the action of individuals. There is, however, one to whose conduct Mr. Fiske seems to attach no great weight, but who has a fair claim to share the obloquy of Townshend. The

conduct of Bernard, the governor of Massachusetts, during the summer of 1766 had no small share in determining the after-course of events. British officials were bound to do everything in their power to make the repeal of the Stamp Act a real and effective measure of conciliation. Far from that, Bernard chose the time for an unnecessary and profitless conflict with the assembly. The councils were elected by the general court, subject to the veto of the governor. This veto had, by the admission of Hutchinson, a thoroughly trustworthy witness, fallen into disuse. It had been also customary for certain officials to be re-elected. The assembly now refused to re-elect the lieutenant-governor, the secretary, and others. Bernard thereupon retaliated by vetoing six of the elected counsellors, and in doing so entangled himself in a general dispute with the assembly. Doubtless Bernard had a legal right to act as he did. But the policy of the government which he represented was avowedly a policy of conciliation, and conciliation implies as a necessary condition the surrender of strict legal rights. The attitude of Bernard did much to leave the public mind of Massachusetts sore and angry, ready to take up the gage of battle the moment that the government at home threw it down. If Townshend brought the match, Bernard had done a good deal to prepare the fuel.

Mr. Fiske appears to think that the main obstacles to reconciliation were the mechanical difficulties of communication and the obstinacy of the king, seconded by the pliancy of Lord North and the harsh, narrow energy of Germain. There were, however, two hindrances whose importance Mr. Fiske hardly seems to understand. There was in America a party, that nominally headed by Hancock, but with Samuel Adams and Warren for its controlling minds, small in numbers, but able, energetic, and well disciplined, who at an early stage came to the conclusion, in no way morally blamable, whatever may have been its wisdom, that their only safety lay in complete separation. Their strategy, wholly directed to that end, was no doubt at times unscrupulous, though probably not more unscrupulous than is almost inevitable under the exigencies of party warfare. Furthermore, reconciliation would only have been effected by a policy of compromise on the part of English politicians, and the system of party ill lends itself to such a policy. In a sense, no doubt, it is true that our whole party system is one of compromise. But there is a wide difference between the compromise begotten of custom, resting on the tacit modification of general principles, on vague use of general phrases, or on the varying interpretation of formulas, and what we may call deliberate constructive compromise. To carry out such, each party must abandon the attitude of an advocate and assume that of an arbitrator. That is scarcely possible under a system where an even exaggerated air of advocacy has become a necessity of party discipline. Thus North's scheme of compromise seemed to his own side a betrayal, to his opponents a confession of weakness. Dartmouth's proposals, considered by so thoughtful an historian as Mr. Lecky to have had in them the basis for a satisfactory settlement, met with no favour on either hand. Chatham's attitude to the question was throughout one of compromise, though the fact was obscured by the rhetorical fervour with which, characteristically, he urged that particular side of the compromise which

at the time was uppermost; Chatham's efficiency, however, was seriously marred by his inability at this time to act with any party. So too with Shelburne, whose policy was almost identical with that of Chatham, differing only in that he saw the question through an atmosphere of clear reason rather than of sentiment. He too was unable to act consistently with a party; it was no doubt that, quite as much as any real moral defect, which exposed him to the charge of political jesuitry. It would have been of no small service if there had then existed a colonial office with fixed official traditions, which might have acted as a buffer between parliament and the colonies. Schemes of compromise might have had some chance of success if they had proceeded from such a body.

Mr. Fiske's patriotism does not in the least blind him to the muddling, begotten of folly and dishonesty, whereby the colonial cause was put in serious danger during the early years of the war. He describes Washington's soldiers in the winter of 1777 leaving on the snow the track of blood from their bare feet, and cowering at night round their camp fires because they had no blankets to sleep under, while shoes, stockings, and clothes were scattered in heaps about the country, only lacking teams to draw them. In some cases the soldiers had to harness themselves and drag their stores, and on one occasion Washington was withheld from attacking Howe because two brigades had mutinied after two days of total starvation. All this was mainly due to the folly of congress, who had taken the control of the commissariat out of the hands of an efficient head and placed the subordinate officers under the direct control of congress itself. The army suffered not merely from jobbery and neglect, but from a grotesquely distorted dread of military power. Mr. Fiske describes the attitude towards these questions of John Adams—that strange compound of acuteness and lack of perception, of greatness and pettiness. He would be glad to see congress elect all the general officers annually; and if some great men should be obliged to go home in consequence of this, he did not believe the country would be ruined. The jealousy with which the several states insisted upon a share of the general officers in proportion to their respective quotas of troops, he characterised as a just and sound policy.

Mr. Fiske does full justice to the man who—probably more than any other, more even than Washington's duties as commander allowed him to do—remedied the defects of organisation and discipline which hindered the American army—Baron Steuben. Before he became inspector-general, it had been customary to allow every soldier, when his short period of service had expired, to carry away his musket. Steuben stopped this. Hitherto the annual waste of muskets had been from eight thousand to four thousand; now it fell to twenty. Steuben, too, avoided the error of trying to create out of provincial militia an inferior imitation of well-trained European troops. Like Lord Lynedoch in his dealings with the Indian cavalry, Steuben saw that his material had special gifts and aptitudes of its own which must be turned to account. He developed and methodised that system of woodland warfare which had been learnt in many a skirmish with the Indians, and had done such good service at Saratoga.

J. A. Doyle.

The Law and Custom of the Constitution. Part I. Parliament. (Second Edition.) Part II. The Crown. By Sir William Anson, D.C.L., Warden of All Souls' College. (Oxford: Clarendon Press. 1892.)

Sir William Anson has undertaken to describe the framework of our existing constitution, so far as its central departments are concerned, and to explain the method of its working. His task is not that of Professor Dicey or M. Boutmy, whose well-known treatises are concerned with the statement and analysis of fundamental principles, nor does he attempt, like Professor Freeman or Dr. Stubbs, to trace, except incidentally, the historical development of our institutions. His object, more nearly resembling that of Mr. Todd or Professor Hearn, is the presentment of a political system in its actual shape and its contemporary working. The point of view is that of practical politics rather than political philosophy or constitutional history; the result is a portrait, not a disquisition or a narrative. Nevertheless no thorough understanding of an existing political system is attainable without some knowledge of its history. In politics, as in other mutable things, 'sein' and 'werden' are so intertwined that the student must understand both or neither. 'It is difficult,' says Sir William Anson, 'to dissociate law from history in any branch of legal study, least of all can this be done in describing the fabric and machinery of an ancient state,' and he naturally feels that no apology is needed 'either to lawyers or historians for trespassing on the domain of history.'

The demand for a second edition of Vol. I. has enabled the author to make certain additions and alterations. The new rules of parliamentary procedure, adopted in 1888, have been incorporated in their place, and the account of the relations of the two houses has been amplified. The volume as it stands is an admirable account, clear, orderly, concise, of the constitution of parliament, the method of its coming into being, its sessions, its temporary cessation and dissolution; its composition and privileges, its rights and duties; the process of legislation; the connexion of the legislative and executive powers, the relations of ministers and parliament; finally, parliament as a court of law. These matters are handled with the precision of a lawyer, the method of a sound theorist, the practical judgment of a man of the world. There is an unusual absence of superfluities, of unnecessary detail or padding. For instance, the temptation to institute comparisons with the systems of other states must have been constantly present to the author's mind, and such comparisons would be, in other connexions, not only interesting but indispensable. In a plain picture of the English constitution they are not required, and they would have doubled the bulk of the work. Sir W. Anson has successfully withstood this temptation. This strict attention to the practical end in view has led the author to reduce his historical introductions or summaries to narrow limits, but the process of compression, it is hardly necessary to say, does not make the writing of history more easy or close the door to error. The lucidity and accuracy of Sir W. Anson's historical sketches give the reader good ground for believing that in those portions of his work which are, from his point of view, the more important, and in which it is harder to bring him to book, he is an equally trustworthy guide. Still, where so much historical ground is

covered and where the treatment is so concise, it is hardly to be expected that there should be nothing to which exception may be taken. In the 'Historical Outline' (chap. ii.) it is doubtful whether the author has not, here and there, unduly depreciated the amount of influence exercised by the medieval king. I hardly know if there is any period, except times of revolution or civil war—and these do not count—in which 'the possible checks on the king's power' reduced it 'to little but a form' (p. 20); and although it may be true that 'the history of the royal seals shows the care taken that no official expression of the royal pleasure should be unauthenticated by an officer of state,' it would be equally correct to point to that history as a series of attempts, and successful attempts, on the part of the monarchy to evade the control of the great officials.

In discussing the relations of the executive and the legislature, Sir W. Anson combats the doctrine of an undivided sovereignty as expounded by Austin. 'It would seem to follow,' he says (p. 38), 'that the picture which Austin presents of a legislature issuing commands which the executive is constrained to obey, without which it can do nothing, is remote from fact. . . . We must admit that there is in our constitution, as in others, a legislative sovereign or supreme law-making power, and an executive sovereign, whose constitution may be changed, but whose acts are not, or cannot be, habitually controlled by the other.' Now it would, of course, be absurd to suppose that the executive can do nothing without the legislature, but is it incorrect to say that the executive must obey the commands of the legislature, *where given*? If not, what becomes of that supremacy of the law which Professor Dicey has done so much to bring home to us? Moreover, does it follow that, because officials act on their own initiative and frequently do things that cannot be reversed, therefore there is a divided sovereignty? Any servant in a house, any clerk in a bank can do the same, but he is not, therefore, sovereign, or the equal of his master or employer. It is an inseparable incident of authority delegated to a human agent that he may occasionally act beyond or against the will of the delegator, and do things which cannot be undone. Sir W. Anson's argument might equally well be used to prove that because judges may misapply the law or criminals break it, or because there are departments which the law does not touch, therefore parliament is not supreme in its special province, the making of laws. The argument, in fact, proves too much: for, if pushed to the extreme, it would prove that sovereignty ceases to exist unless uninterruptedly exercised, which is the same thing as saying that it cannot be delegated, or, in other words, that it does not exist at all. Or again, if sovereignty is divided because ministers, using their delegated authority, act without consulting the sovereign people in parliament, then not only every permanent secretary of a department, but every tax-collector, every bailiff, is also sovereign, and the crown in council is no more sovereign than the crown in parliament. The point is, surely, not whether every action of a subordinate is done in execution of a command, or whether the superior is in a position practically to repudiate every action of his subordinate which he disapproves, but whether the delegated authority can be revoked or the delinquent punished for his act. The question of foreign affairs, notably of the making of treaties and of the cession of land, stands on a different

footing. Here there seems to be a divided sovereignty, or rather this is a portion of the old executive sovereignty of the crown which parliament has not yet taken over. The discussion aroused by the late cession of Heligoland and its reference to a parliamentary vote, alluded to by Sir W. Anson (ii. 280), made it clear that, at least in the opinion of Mr. Gladstone and other competent judges, this is a province in which parliament cannot rightly interfere. The prerogative of pardon, still exercised by the crown, is also, perhaps, a similar survival of ancient sovereignty. But if in these matters parliament acquiesces in the executive sovereignty of the crown, this is surely not the case with other departments of the administration. Else what right have honourable members to harass ministers with questions which pry into every corner of official life, still more by their special disapproval to drive an obnoxious minister from office?

On this point the discussion is at least as old as the reign of James I, when, in the debate on impositions, Mr. Whitelocke laid down the doctrine of sovereignty as follows:—'The sovereign power is in the king; but in the king is a twofold power, the one in parliament, as he is assisted with the consent of the whole state, the other out of parliament, as he is sole and singular, guided merely by his own will [or, as we should now say, by his ministers]. And if of these two powers in the king one is greater than the other, and can direct and control the other, that is *suprema potestas*, the sovereign power, and the other is *subordinata*. It will then be easily proved that the power of the king in parliament is greater than his power out of parliament, and doth rule, and control it; for if the king make a grant by his letters patents out of parliament, it bindeth him and his successors; but by his power in parliament he may defeat and avoid it, and, therefore, that is the greater power. . . . So you see the appeal is from the king out of parliament to the king in parliament.' I am not concerned here with the distinction drawn by Sir W. Anson between the executive and the legislature, which, of course, in its practical application to the British constitution, cannot be maintained, but, setting this aside, as not touching the point at issue, I do not see how Mr. Whitelocke's argument can be answered.

A slight error may be noticed on p. 59, where it is said that the oaths of supremacy and allegiance were not prescribed to be taken by both houses of parliament 'till the last year of Charles II.' There was no parliament in the last year of Charles II; it was in 1679 that the act in question was passed. The statement on p. 142, relative to the privileges of parliament, that 'the practice of claiming these privileges dates from the reign of Henry VIII,' is not quite accurate. Sir E. May's remarks on the same subject, referred to in the note, are still more misleading. The claim for privilege was made by Speaker Cheney in Henry IV's reign, and was habitually made during the fifteenth century, though not in the modern form. The first recorded instance in which the three requests which afterwards became customary were collectively put forward occur, I believe, at the opening of Mary's first parliament, in 1554, and it was not till 1571 that the practice became regular. Nor is it quite correct to say that 'the privileges themselves are of much older date' than the reign of Henry VIII. Doubtless they were occasionally recognised before,

but the right of freedom of speech, far the most important of them, was repeatedly ignored by the monarch, and was seldom insisted upon by parliament, during the Tudor times, and it cannot be regarded as established till after the Restoration; while the right of freedom from arrest, though repeatedly claimed, was not established till Sir T. Shirley's case, and the statute to which that case gave rise, in 1604.

Among the many excellent things in this volume, perhaps chapters vii. and ix. may be singled out as especially good. The former has been largely rewritten so as to incorporate the latest changes in the process of legislation. Public bills are carefully distinguished from private bills and money bills. The striking fact is emphasised and explained that, while keeping control of the national purse, the house of commons 'has absolutely precluded itself from determining that any money shall be granted at all, unless the proposal for a grant emanates from the crown' (p. 255). It may perhaps be suggested that the section on appropriation might be somewhat improved by the addition of a short historical outline of the steps by which this system, indispensable to parliamentary control, was established. The first steps belong to quite modern history, the last developments are matters almost of yesterday. The relations of the executive and legislature are admirably discussed in chapter ix. In reference to the dispensing power, the case of *Godden* v. *Hales*, a commonplace in the books, is well contrasted with that of *Thomas* v. *Sorrell*, which is equally important, but comparatively unknown. In spite of Mr. Morley's special pleading, Sir W. Anson still holds (p. 329) that 'the systematic maintenance of a ministerial majority by the regular payment of bribes seems to have been the invention of Walpole.' Walpole's contemporaries can hardly have been so much deceived as his last advocate pretends, and his grudging acquittal only illustrates the difficulty of bringing things home to public men, or implies that his successors could not afford to throw away his weapons.

The second volume of Sir W. Anson's work deals with the Crown. After an historical sketch of the prerogative, the author treats of the royal title and the relations of monarch and subject; of the councils of the crown, and particularly of the cabinet; the departments of government; the dominions and dependencies; the revenue, the army and navy, church and state, and the law courts. Scattered up and down in the text are a number of documents—summonses, letters patent, writs, commissions, oaths, &c., reference to which is facilitated by a special table. Such illustrations are very useful to the student, and no one who knows the value of Dr. Stubbs's 'Select Charters' or Mr. Gardiner's 'Documents of the Puritan Revolution' will grumble at the addition thereby made to the bulk of the work. The labour of collecting the information embodied in this volume must have been very great, and the task of arranging so large a mass of detail is a very difficult one. Many branches of the subject may be regarded from various points of view, and it is hard to attain clearness and completeness without having recourse to repetition. Sir W. Anson has succeeded admirably in this task. He acknowledges his obligation to Mr. Todd's bulky but invaluable treatise. There is, however, ample evidence that he has gone far beyond this source. This volume appears to contain a larger proportion of historical matter likely to be new

to most students of constitutional history than did the first. In regard to earlier times the author relies mainly on Dr. Stubbs. It is remarkable, but not to be wondered at, that he hardly ever refers to Hallam, whose conception of the constitution allowed him almost entirely to omit the side of the subject with which Sir W. Anson is principally concerned. It is more strange, perhaps, that there are no references—so far as I have observed—to Gneist. Such a reference would perhaps have corrected a certain tendency, which seems to show itself in chapter i. for instance, to antedate or to invert the appearance of early administrative institutions. It is perhaps hypercritical to raise objections to the statement (p. 9) that 'there grew up within it [the full or great council of the Norman kings] a permanent standing committee, the Curia Regis,' but, apart from the doubts which may be felt—and Dr. Gneist goes beyond doubts—as to the corporate character or cohesion of the Curia at so early a date, it is rather a misleading modernism to call it a 'committee' of the great council. Whatever deliberative or administrative influence the occasional meetings of the Curia possessed must have been derived from the presence of the king, and from the official positions of its most important members, not from the fact that those members may also have formed part of the *commune concilium regni*. Again, to say that 'legislation or special taxation must wait for a meeting of the larger body when the king wore his crown at Christmas, Easter, and Whitsuntide,' is surely to read the principles of the thirteenth century into the practice of the eleventh. And, supposing the statement were true of the first two Norman kings, what becomes of it in the days of Henry I, who, as the chronicler tells us, gave up the practice of holding those terminal durbars? Other passages seem to imply no doubt that the Curia as a body was antecedent to the Exchequer, whereas it appears to be at least probable that the financial necessities of the Norman kings gave to the latter body a corporate authority and organisation some time before the officials of the royal household combined their forces for any other purpose. 'Out of the Curia (we read on p. 10) proceed specific departments of government, and administration,' and then the Exchequer, among other departments, is mentioned. If by 'the Curia' is meant simply the aggregate of court-officials, the phrase may stand, but if it means a corporate body, anything of the nature of court, cabinet, or council, should not the statement be reversed? One small point may be noticed on p. 13. If we give the sheriff the right to select the recognitors in the grand assize, do we not fly in the face of Glanvill, and deprive the county of an important rung in the ladder of parliamentary representation?

Of the development of the Privy Council and the Cabinet, the author gives (in chap. iii.) an admirable sketch, and his analysis of the position and functions of the premier is equally good. Throughout the post-revolutionary period he uses contemporary memoirs and papers with excellent effect. His view of the Star-chamber, its development from, and relations with the Privy Council, does not altogether escape obscurity, but that very difficult section of constitutional history has yet to be worked out. Sir W. Anson considers (p. 96) that the secret committee or cabinet, with which Charles II, in the early part of his reign, discussed his most delicate affairs, was a body distinct from the foreign committee. Mr. Todd takes

a different view and, I think, on the whole the more probable one. In discussing the various administrative departments, the author makes a useful distinction between those which may strictly be called executive offices, such as the secretaryships or the Admiralty, and those which are rather regulative, as the Board of Trade. In his sketch of the development of the Treasury from the Exchequer (p. 163) he gives some information which, if not absolutely new, is at all events not to be found in the ordinary books, and the whole account of the system of the Treasury, the collection, expenditure, and audit of national money, is excellently worked out. In the historical sketch of taxation one or two corrections may be made. It is rather misleading to say that tenths and fifteenths 'lingered on as an occasional mode of raising money into the seventeenth century' (p. 297). It was the regular method, along with that of subsidies, till 1624. Whenever Elizabeth or James I wanted parliamentary money, they got a grant of so many subsidies, and so many tenths and fifteenths. After the accession of Charles I the latter were suddenly dropped, and never after revived. The last subsidy voted, before its place was finally taken by the monthly assessments, was in 1670–1, not 1663, as stated on p. 298. The explanation of 'the so-called land tax of 1692' (p. 299) is a little obscure, for it seems to imply that there was a new tax, which afterwards got that name, put on in that year. But was not the land tax merely the old monthly assessment, gradually shrunk to this shadow of its former self? Perhaps this is what Sir W. Anson means, but it is not plainly put.

In speaking of the old-fashioned system of auditing the national accounts, the author has some very apposite illustrations. Nothing could better display the abuses and the laxity of the pre-reform system than the stories which he tells of Lord Camden, the last of the old tellers of the exchequer (p. 311), and of Lord Grenville, combining the offices of an auditor of receipt and a first lord (p. 315). In fact the author's illustrations, while sparingly used, are as apposite as the remarks and descriptions to which they apply are pointed and concise, and they often serve to enliven with a touch of humanity details of administration which would otherwise be somewhat indigestible. The subject of Sir W. Anson's work is a difficult and complex one. He is to be congratulated on the mastery of it which his treatise throughout displays, and for having produced a book which will be of great utility not only to the professed politician and to foreign students of our constitution, but to every English citizen who wishes to understand the government under which he lives.

G. W. PROTHERO.

State and Federal Government in Switzerland.
By J. M. VINCENT. (Baltimore: Johns Hopkins Press. 1891.)

IN 1881 the late Professor Bluntschli's library and manuscripts were purchased by some German citizens of Baltimore and presented by them to the Johns Hopkins University. Thanks to this rich collection, which was considerably increased in 1886 by the kindness of the Swiss minister at Washington, Mr. Vincent, the librarian, has been able to write in Baltimore what I have no hesitation in stating to be, as far as my knowledge

goes, by far the best account of Swiss institutions yet published in English. Mr. Vincent being an American of course enjoys the inestimable advantage, so far as regards his subject, of a first-hand acquaintance with the practical working of federal institutions, though from certain caustic remarks he fully realises their weak points as well as their strong ones. At the commencement of his book he is a little inclined to tall talk and involved sentences, but when he comes to close quarters with his subject his style becomes more pedestrian and far clearer. His introductory chapter sketches the rise of the Swiss Confederation, and, though filling only twenty-five pages or so, is remarkably well done. As is shown by the bibliography at the end of the work, Mr. Vincent is well acquainted with the best recent works on Swiss political and constitutional matters, and his introductory chapter shows that he has really studied and digested them. By a curious omission, however, the six cantons formed in 1803 are not mentioned. Mr. Vincent then gives an elaborate account of the federal government, based, of course, mainly on the federal constitution of 1848 in its 1874 dress. The whole of this portion of the work seems to me to be very carefully and accurately done, much trouble being taken with such intricate matters as federal finances and the federal army, both of which require a minute knowledge of the laws and regulations carrying out the main principles laid down in the federal constitution. By a slip it is stated on p. 86 that the 'Counts of Thun and Taxis' formerly had the postal monopoly in certain parts of Switzerland. For 'Thun' we should of course read 'Thurn.'

Then Mr. Vincent goes on to discuss what he calls 'state government.' Under this rather unfortunate title he includes both cantonal and communal institutions. As regards the former he is as usual clear and accurate. It is somewhat of a surprise, however, to find the 'referendum' and the 'initiative' discussed in connexion with cantonal institutions; and yet by this means Mr. Vincent brings into great prominence the perfectly true fact that both are not properly federal institutions, but rather popular institutions which work in restraint of federal as well as cantonal authorities. A few more details—even though a mere table—as to the exact kinds of referendum now prevailing in the different cantons would have been acceptable. He is of opinion that America may find valuable hints in the experience of the Swiss as to the working of the referendum, but is it not a little severe to speak of an average American state legislature as 'the contempt, if not the biennial terror, of its own constituents'? A loyal Gersauer, too, would certainly resent the description of his little fatherland as 'for 500 years an independent community within the borders of Schwyz,' considering the part Schwyz took in annihilating that independence. Again, Mr. Vincent is scarcely accurate in saying that it is only a year or two ago since 'the separate assemblies of Uri were made one.' He is, of course, referring to the abolition of the last privileges retained by the Urseren valley; but the point is that till lately Urseren was *not* in strictness—at any rate for local matters—part of Uri, though allied with it for nearly 500 years. Apart from these trifles, Mr. Vincent's account of Swiss Landesgemeinden is most excellent, and I desire to call special attention to the following sketch of the true history of the Landesgemeinden, which is quite different from that made popular in England by the

Teutonic zeal and burning eloquence of the late Professor Freeman. 'In some cases the impressiveness of the view [of one of these assemblies] has led the observer astray in his conceptions of the past and present of popular assemblies, and the *Landesgemeinde* in the hands of such has become a fetich with which to conjure up original Germanic institutions. If the Swiss popular assembly is a survival of the tribal council of Tacitus, it must have survived, like the buried rivers of Greece, in subterranean obscurity, for the first *Landesgemeinde*, definitely mentioned in the records, occurred some twelve centuries after the Roman historian's time, in 1294' at Schwyz. . . . 'As it emerges into history the *Landesgemeinde* is apparently an outgrowth of the feudal manorial court or *Hofgericht*. The countrymen of the Alpine valleys assembled together at the call of the lord's bailiff or deputy, to witness trials and to act as a popular jury upon disputes arising under the customary law of the region. They did not to any great extent legislate, they applied law; they did not elect the magistrate, they received him.' It may be added that Oechsli's minute researches, published in 1891, have shown that 'freedom' prevailed originally in Uri and Schwyz to a far less extent than is commonly believed. Of course no one denies that these manorial assemblies *became* self-governing bodies; what is denied is the theory that they always were such bodies, and are identical with the assemblies mentioned by Tacitus.

Mr. Vincent is very good too in his account of cantonal institutions, but we have a bone to pick with him as to his treatment of communal institutions. As a whole this section is admirably done, and the difficult question of the origin of the different kinds of *Gemeinden* is very clearly set forth, though it seems to me that on p. 165 Mr. Vincent is inclined to believe that the old *Allmendgenossen* alone divided their old rights in common lands, &c., with the *Bürgergemeinde*. No doubt this has taken place in several cases, but I think that the division of such rights between the *Bürgergemeinde* and the *Einwohnergemeinde* is at once far more common and infinitely more important. (See Miaskowski's great work on the Swiss Allmend, 1879.) Mr. Vincent however fails completely to grasp the full meaning of the fact which he states, quite incidentally, on p. 160: 'There is a general citizenship of the state or confederation, distinct from local, but it cannot exist by itself. Membership in the state depends on membership in a community.' In other words a foreigner becomes a Swiss not by application to federal or cantonal authorities, but on his election as a member of a commune or Gemeinde, that election, and that election only, giving him the cantonal and federal citizenship; or, using the English terms, a man can be naturalised as a Swiss only by receiving the freedom of the village or town in which he takes up his abode. Mr. Vincent should have dwelt more at length on this important point, and would have done well to erect his section on communes into a 'part,' on at least an equal footing with those on federal and cantonal institutions.

The chapter on church and state is worth attention, were it only from the fact that, as Mr. Vincent rightly states, there can be *several* established churches in the same canton, Neuchâtel having no fewer than *four*, one of which is made up of Jews. His remarks on the official creedlessness of the state churches and the rigid tests in the free churches are

very curious to a resident in England who is used to hear of quite the contrary state of things in that land.

Translations of the federal constitutions of 1848 and 1874, and of the federal alcohol monopoly law of 1886 (by reason of its great sociological importance) are added to this useful book. It ends with the excellent bibliography already mentioned, and a statistical table. The latter might well be expanded, as many things strike one when set forth in tabular form which might otherwise be passed over. It is surprising that Mr. Vincent does not seem to be aware of Herr F. von Wyss's epoch-making papers on the history of the Gemeinde in vol. i. of the 'Zeitschrift für Schweiz. Recht,' which have since been revised and republished in his 'Abhandlungen zur Geschichte des Schweiz. öffentlichen Rechts' (Zürich, 1892). I also respectfully beg to differ from him as to the value of Bluntschli's 'Constitutional History.' It is not only far from 'being the best authority on the subject,' but is very inaccurate in its early portions. Blumer and Dubs are much better in every way. I should like to have seen my 'Encyclopaedia Britannica' articles on *Swiss History*, *Tell*, and *Winkelried* mentioned in what must long remain the standard book in English on Swiss institutions. But Mr. Vincent's work has so interested and so impressed me that I content myself with expressing a passing regret, and not formally complaining of an accidental omission on the author's part. W. A. B. Coolidge.

The History of Historical Writing in America. By J. Franklin Jameson, Ph. D. Cambridge, U.S.A.: The Riverside Press. 1891.

This book is made up of four lectures delivered before the Johns Hopkins and Brown Universities. Mr. Jameson has compressed into them a clear, interesting, and critical account of the successive historians to whom those countries which are now the United States have given birth. One should perhaps rather say successive schools of historians, for Mr. Jameson gives clearness and definiteness to his subject by dividing the writers with whom he deals into four groups.

In the first lecture Mr. Jameson deals with the seventeenth-century writers, who, as he expresses it, had for their purpose either 'to awaken immediate interest in a given colony and stimulate immigration into it, by accounts of what had been done there,' or, 'believing themselves to have been concerned in memorable beginnings, to write for the benefit of posterity permanent memorials.' To the former class he assigns Smith and Johnson, the author of the 'Wonder-working Providence,' to the latter Bradford and Winthrop. One may doubt whether Johnson has not more in common with the two great New England chroniclers than with Smith. In writing the 'Wonder-working Providence,' he may have set out with a practical purpose: his enthusiasm often goes beyond that and leads him into a rhapsody of triumphant commemoration. There is not much that is new to be told about any of these writers. Mr. Jameson's estimate of each is clearly written, complete, and just. He does not go in any detail into that stormy question, the veracity of Smith. While, in common with all writers of any authority, he abandons the Pocahontas legend as mere romance, Mr. Jameson is far from agreeing with those,

who, following in the footsteps of Mr. Adams, and pushing his conclusions further, have denounced Smith as a mere boastful impostor. Mr. Jameson accepts the view that he was a capable vigorous man, with very little sense of literary responsibility, who, in some cases, put his name to the compilations of hack writers.

In his second chapter Mr. Jameson deals with the writers who fill the space between the Revolution of 1688 and the War of Independence. He points out the parallel between the course of affairs in New England and in the mother country during that period. 'The country' (New England) 'was growing rich and prosperous, and as it sought wealth and prosperity more and more, the intensity which had marked the preceding period rapidly relaxed. The generation grew broader and more tolerant, indeed, but it at the same time grew more worldly and more commonplace in its aims and thoughts.' Thus the colonists became, like their kinsmen at home, torpid and unspiritual. The Hebraic fervour of Johnson gives way to the ponderous pedantry of Cotton Mather. In the place of Winthrop and Bradford, steeped in scriptural learning and imbued with an intense conviction of the spiritual destinies of their country, we have a writer like Hutchinson, who approaches history from the material point of view of an ordinary politician. Yet, as in the mother country, we find, combined with a shallow, comfortably rounded view of history, much genuine and toilsome research.

Mr. Jameson, too, does full justice to the two Virginians who dealt with the history of their own colony, Stith and Beverley. The latter was a man of affairs, and at the same time, as the Virginian planter often was, a man of literary tastes and perceptions. He has no high standard of what history should be, but tells a plain tale easily and unaffectedly, and is at his best when he is not digesting authorities but reproducing what he has himself seen. Stith is of a wholly different type. He is a writer of great research, somewhat uncritical as to his authorities, and somewhat overburdened by a sense of the dignity of his subject. Mr. Jameson describes his book, the 'History of the First Discovery and Settlement of Virginia,' as 'an excellent piece of work—pleasing in style, accurate, and fair.' Accurate is perhaps a slight overstatement, considering how largely the writer relies on the unverified statements of John Smith. His style is always clear and precise, and there are passages of real dignity and beauty; but it is at times prolix. As Mr. Jameson remarks, want of sense of proportion and inability to control his material were the rocks on which Stith split, and in consequence what he has left is little better than a torso, a prelude to the real history of the colony.

In his introduction to the post-Revolution period of historical writing, Mr. Jameson points out how the political life of the United States has acted on her literature. Each of the two great parties which have guided her corporate life starts from a different conception of political institutions. The followers of Jefferson have regarded them as simply the expression of certain broad *a priori* truths about human nature, of universal application. Those whose creed has its origin in the teaching of Hamilton look on them as means for satisfying the ever-varying wants of communities in widely different stages of developement. From the former point of view, history can at best only furnish corroborative illustrations of truths

already accepted. As a matter of fact, if honestly studied, it reveals a life bristling with exceptions and anomalies. To the other school of thinkers, all political science must rest on the study and dissection of complex and widely varied phenomena. Thus, as Mr. Jameson shows, Massachusetts, the home of federalism, has been also the home of historical study. It is a truism that men's theoretical professions of faith may differ widely from their working convictions, and that acquiescence in Jeffersonian democracy may be consistent with a keen interest in the facts of history and with the production of good historical work. Yet it is hardly fanciful to see in Mr. Bancroft's easy-going optimism, in his want of critical analysis, whether of individual character or of social movements, the fruits of Jeffersonian teaching.

In the fourth and last lecture Mr. Jameson deals with historians yet alive. There is not in his estimate the least touch of exaggerated glorification. His praise of Mr. Parkman, whom he singles out as the most noteworthy of his contemporaries, is indeed high. But it is probably not too great for his literary merits, assuredly not for the courage and energy which have overcome physical difficulties such as those described by Mr. Jameson. Mr. Jameson certainly does not overrate, one may perhaps question whether he does full justice to, the excellent work which has been done of late in monographs, such as those published by the Johns Hopkins University, to their sound conception of historical evidence, to the good grounding in the general principles of history which they show. On one point Mr. Jameson speaks out in an emphatic fashion which in an English critic might be set down as insular prejudice. In dealing with the 'Narrative and Critical History,' edited by Mr. Justin Winsor, he forcibly opposes the view announced in the prospectus, that 'when the superiority of the co-operative method is fully understood, the individual historian, if he ventures forth at all, will be read for entertainment rather than profit.' Mr. Jameson well points out how narrow, and, if one may use such a term, how illiterate is the conception of history, which this implies. 'To any one who has any conception of the use of the higher powers, the rarer qualities of the mind, in historical composition, it will be plain that no really great history can be written by the methods of the "literary bureau," by hiring a force of assistants and seeing that they do it. It may almost be said that the historian, like the poet, is born, not made; but, if he is made, he is not made by machinery.' Mr. Jameson applies this doctrine not only to such a work as Mr. Winsor's history, but to the now fashionable method of historical and biographical series, and it is not only in America that his teaching may be profitably applied.

J. A. Doyle.

A Genealogical Chart of the Royal Family of Great Britain. By the Rev. Robert Logan. (Edinburgh: No date.)

Mr. Logan's tables give evidence of great research, great patience, and great ingenuity, though it is not always easy to see the principle upon which he selects the collateral lines introduced into them. As all the ruling families in Europe are descended from our royal family, we must put them all in or make a selection. Mr. Logan has adopted the

second course, but we are not sure that he has always been happy in his choice. The tables ought undoubtedly to show the direct male ancestors of all our kings as far back as real history reaches, and we think Mr. Logan ought not to have omitted the ancestors of Stephen and William III. Room might have been made for them by omitting some of the semi-mythical genealogies of Scotland and Wales. In a genealogy of our royal family particular attention ought to be paid to those lines which figure in our history. For instance, we ought to see clearly the questions involved in the dispute of the Scottish succession, in the claim of our kings to the crown of France, in the war of the Roses, in the act of settlement, whilst the details about the houses of Billung and of Ascania and the numerous subdivisions of the Saxon family have nothing to do with the genealogical history of Britain.

Mr. Logan frequently tells us that some person now living represents some one who lived in a remote age. If this merely means that the one is descended from the other, the information is not worth having. All the royal houses in Europe are descended from William the Conqueror, all are descended from King Stephen, and all are descended from a daughter of John of Gaunt. This, therefore, cannot be the meaning. The meaning must be that the one is in some way heir to the other; but, as the rules of descent in Scotland and England were not formerly the same as they are now, it is simply misleading to pass any one off as heir of Celtic or Saxon kings. Even when we come to later times Mr. Logan is not distinct. He tells us that Philippa, daughter of John of Gaunt, is represented by Isabella of Spain and the late Don Pedro of Brazil. Both are descended from Philippa through the daughters of Edward of Guimaraens, but, as there is no coparcenary in the descent of the crown, the only representative is Isabella, who is the representative of the elder daughter through Elizabeth of Parma.

Mr. Logan has no doubt done his best to obtain accurate information, but there are cases where his suspicions ought to have been aroused. With regard to the family of Mortimer, he seems to have copied the names and dates from Burke (with the exception of one figure, 1188 for 1185, which is perhaps a misprint). He begins with Ralph de Mortimer, who came over with the Conqueror (1066), and then gives the death of his eldest son, Hugh, as occurring in 1188 (1185). Surely there must be something wrong here. Is it probable that the eldest son of a man who held a high command at Hastings should be living in 1185? An extraordinarily late marriage of the father and long life of the son might help us a little were we not informed by Burke that Hugh, the son, was married to a daughter of William Longsword, who died in 943. Are his authorities for many of the early Welsh families more trustworthy?

It is desirable in genealogies to place the children of a marriage in the order of their birth; but this is difficult, and Mr. Logan has found it sometimes impossible, but he occasionally departs from the rule without necessity, and he does not always put figures to indicate the order. When a man has been married several times all the wives ought to be named, and the children of each distinguished by letters. Mr. Logan not unfrequently neglects these rules. Thus he says nothing of the wives of John of Gaunt, and he does not help the reader to distinguish the legitimate

from the illegitimate children. He gives the two wives of Henry IV, but does not tell us which was the mother of his children. Probably he gives the reader credit for knowing as much as he does himself. Amongst the descendants of Charles I we miss the first wife of Philip V, who gave two kings to the Spaniards, and we do not understand how the king of Saxony instead of the duke of Parma is given as the representative of Adelaide, duchess of Burgundy.

Mr. Logan has allotted very little space to the house of Hanover in modern times. He feels more at home in the prehistoric epochs, in which he has discovered a number of names of persons whose existence is exceedingly doubtful. He might through the pages of authentic history have traced back the genealogy of the queen to Charlemagne, to Ruric, to emperors of Constantinople, and to the kings who gradually recovered Spain from the Moors.

We will not interfere with the formidable appearance of some of the Welsh patronymics, but there are some cases in which either the author or the type-setter has been guilty of inattention. The Italian family that provided husbands for the princesses of Jerusalem was that of Montferrat and not Montserrat; the wife of Fulco V was Melisenda, not Melifenda; the second wife of Alexander III may have been a princess of Dreux, but certainly not of Druex; and we are not accustomed to the spelling of Sybylla, Julanta, and Wurtemburg.

The Dictionary of National Biography. Vols. XXIX.–XXXIII. Edited by SIDNEY LEE. (London: Smith, Elder, & Co. 1892.)

SINCE we last noticed this invaluable work[1] five volumes have appeared, carrying the reader on from Inglis to Lluelyn. The work of picking the holes which inevitably occur in the most careful production is so much more definite and occupies so much more space than that of praising the high standard of excellence attained, that any notice is apt to give a somewhat unfair idea of the general character of the result obtained. The task assigned to each writer, it is not always remembered, is one of the greatest difficulty. Though he has to bury himself in details, and to insert much which, if he were writing under other conditions, he would willingly omit, he has to take care that these details shall reveal the man behind them. If it would be too much to say that this ideal form of treatment is reached by all the contributors, it is aimed at, often with success, by many, and all have an excellent example in the work of the late editor, Mr. Leslie Stephen. His life of Samuel Johnson, for instance, bristles with facts, but it concludes with a luminous character-sketch which brings clearly before us the rough-mannered but affectionate man. 'Boswell,' writes Mr. Stephen, 'tells of his carrying home a poor outcast woman from the streets and doing his best to restore her to an honest life. His services to poor friends by lending his pen or collecting money from the rich were innumerable. His constantly expressed contempt for sentimental grievances was not, as frequently happens, a mask for want of sympathy, though it was often so interpreted.' The same high qualities are to be recognised in Mr. Stephen's other biographies, notably

[1] ENGLISH HISTORICAL REVIEW, vi. 808.

in those of Kingsley and Landor. The present editor follows in his predecessor's steps in his lives of Kyd and Nat Lee. Many readers will be glad to learn from the latter biography the correct rendering of an often misquoted line, 'When Greek join'd Greek then was the tug of war,' and that the verses beginning, 'See, the conquering hero comes,' were introduced into the play of 'The Rival Queens' in late-acting versions, and were written by Mr. Thomas Morell for Handel's oratorio 'Joshua' in 1747, and were thence transferred to Handel's 'Judas Maccabeus,' being now sung in both. One of an editor's chief difficulties is to persuade or compel his contributors to be concise. Perhaps Mr. Lee would have been strengthened in his contentions with them if he had not followed his life of William Landor by a wholly unnecessary account of Landor's daughter, who appears to have been noted 'for her geniality and obesity.' An example of too great length is Mrs. Radford's article on Thomas Larkham, an obscure puritan divine whose merits hardly justify a biography of three columns and a half. On the other hand, Dr. Ward's account of James II might well be longer. It is evidently the result of independent and conscientious study, and his estimate of the king differs in some respects from that of Macaulay. It would have been interesting to know the grounds upon which this estimate is based, and a column or more devoted to this purpose could not fail to convey instruction to the reader. In his account of James's early years Dr. Ward appears to have forgotten his curious appointment by his father as lord high admiral in his childhood, the commission being placed under lock and key till he was old enough to act upon it. It was this that explains the clause in the commission of Prince Rupert when he sailed from Holland just before the king's execution, directing him to assume the second place if the duke of York was pleased to come on board. Dr. Ward's article is increased in value by an elaborate bibliography.

Amongst the many articles calling for notice are those of Mr. Kingsford on the various members of the family of Lacy, of Mr. C. H. Herford on Ben Jonson, of Mr. Law on David Laing, of Mr. Chichester on Percy Kirke of the 'Lambs,' of Mr. Firth on John Lilburne. The last-named article must have entailed on the writer an enormous mass of work. Of course it is impossible to find room for everything, but when it is stated that in 1649 Lilburne's election as a common councilman was voided, although he had taken the required oath to be faithful to the Commonwealth, we should like to have had a statement that he accompanied his oath with a characteristic explanation which rendered it altogether worthless. One or two errors may be noted for correction. Mr. Mackay, in his valuable notices of the first five Jameses of Scotland, ascribes the first proposal of a marriage between James IV and Margaret Tudor to 1496, whereas there is in existence a commission to broach the case on 23 June 1495 ('Fœdera,' xii. 572). In his life of James V he dates the divorce of Queen Margaret from Angus—which *s. v.* Douglas, earl of Angus, he had placed in March 1528—in March 1526, ignoring the decisive evidence for 1527 contained in the 'Maitland Club Miscellanies,' vol. ii. p. 367, and fully explained by Mrs. Everett Green in her life of Margaret Tudor, a work which Mr. Mackay appears to have overlooked. Again, a reference to the 'Calendar of Letters and Papers, Henry

VIII,' shows that James V was at Stirling on 19 June in 1528, and that Mr. Mackay is therefore mistaken in placing his escape from the control of Angus in July. Tytler (v. 184) has given reasons for dating the escape on 22 May. In a life of John Islip, abbot of Westminster, the bishop of Peterborough ascribes to him hypothetically a family connexion with the more famous archbishop Simon Islip. As, however, the manor of Islip, in Oxfordshire, belonged to the convent of Westminster, it is probable that the name, according to a not uncommon practice, was simply taken from the manor. Later in the article Abbot Islip is styled president of the English Benedictines. Did any such office ever exist? In his life of the duchess of Kent Mr. Rigg forgets that, as Leiningen was mediatised, the duchess could not be regent of that principality. Mr. Dunlop discourses excellently on Irish personages of the sixteenth and seventeenth centuries, but the statement that Cromwell sent Theophilus Jones 'to Ireland with supplies in anticipation of his own arrival, and appointed him governor of Dublin,' requires modification. This Jones only acted as governor during a short time when his brother Michael accompanied Cromwell to the siege of Drogheda. On his return Cromwell appointed Hewson to the post. In his biography of Michael Jones Mr. Firth passes over in silence the story told in Morice's 'Life of Orrery' to the effect that Jones on his death-bed expressed abhorrence of Cromwell. It is, however, not impossible that there was a slight foundation for it. Jones died of fever, and he may have used very bad language of Cromwell in his delirium. Moreover there is ground for thinking that Jones did not share Cromwell's views in everything. Early in 1649 Jones's brother, the bishop of Meath, suggested to Ormond that Michael Jones was open to offers from the royalist side, apparently on the ground of dissatisfaction with the king's execution. Not only does Ormond, in his letter to Michael Jones, argue strongly on the wickedness of regicide, but, what is of greater significance, Jones, in answering, makes no reply to this argument. May not something of this feeling have come out in his last moments?

Teuffel's History of Roman Literature. Revised and enlarged by Ludwig Schwabe. Authorised translation from the fifth German edition by George C. W. Warr, M.A. Vol. II. The Imperial Period. (London: Bell and Sons. 1892.)

The second volume of Professor Warr's translation of Teuffel's great work has followed the first with commendable punctuality. Its main features are naturally the same as those of the first volume, which is reviewed at p. 121 of the last volume of the Historical Review. There are the same brief paragraphs in large type to characterise each author and his works in outline and the same elaborate statistics of manuscripts, editions, and treatises which deal with questions of text or of subject matter. The imperial period, which is included in this volume, has been interpreted by the author in a sense much wider than is attached to it in most histories of Roman literature. Instead of closing his narrative with Juvenal and Suetonius and refusing to consider anything of a later date as Roman literature, Teuffel goes so far as to include the Venerable Bede and Paulus Diaconus. The present volume, therefore, embraces a period

of about eight hundred years. The later part of the period is not sacrificed to the earlier, for two-thirds of the volume are dedicated to the writers after Suetonius. The recent articles and editions are all carefully inserted in their proper places, though, owing to the number of sections in small type on the more important authors, it is not always quite easy to find what one is in quest of. The only mistakes that I have noticed are very trivial ones. Furneaux's edition of Tacitus did not all appear in 1884, and it is surprising to find the well-known translators of Tacitus described consistently as Church and Brodripp. It would no doubt be easy to find fault with many of the author's views, but for the translator's part of the work there can be nothing but praise. This history of Roman literature must form an indispensable part of every scholar's library.

Urkunde einer römischen Gärtnergenossenschaft vom Jahre 1080. Mit Einleitung und Erläuterungen herausgegeben von LUDO MORITZ HARTMANN. Freiburg: Mohr. 1892.

THIS closely printed quarto pamphlet is intended to furnish a proof of the survival of the Roman artisan *collegia* into the middle ages. The editor is not content to maintain that the later craft gilds derived certain elements in their organisation from the references to *collegia* in Roman law; he believes there was a real continuity of history, and that certain industrial associations did actually remain in existence right through 'the dark ages' (p. 19). But it is hard to see how the present publication strengthens his case. The preliminary dissertation on the *collegia* adds nothing to the argument, and is unnecessary after the recent exhaustive treatise of Liebenam. The document itself—the record of the choice of a *prior* over their *scola* by eight market gardeners of Rome in 1030—shows an interesting blending of agricultural and industrial relations. It is, moreover, some three-quarters of a century earlier than the gild documents hitherto printed; and it uses the term *scola* in somewhat the same sense as it was used in some of the *collegia*. But, after all, this Roman association was not very different from the 'frith-gilds' of northern Europe; its genesis can be readily explained by the circumstances of the time; and between it and the *collegia* lies a period of five centuries with not the flimsiest bridge of evidence to span the gulf.

Tageno, Ansbert und die 'Historia Peregrinorum,' drei kritische Untersuchungen zur Geschichte des Kreuzzuges Friedrichs I. Von Dr. ANTON CHROUST. (Graz: Verlags-Buchhandlung 'Styria.' 1892.)

DR. ANTON CHROUST, under this title, publishes a critical study on three authorities for the history of the emperor Frederick Barbarossa's crusade—namely, Tageno's Diary, the 'Historia de Expeditione Friderici Imperatoris,' and the so-called 'Historia Peregrinorum.' Starting from the discovery of a new fragmentary manuscript of Ansbert, Dr. Chroust has entered into a minute examination of these sources, comparing them among themselves and in relation to other either contemporary or later sources. It is a painstaking work, and not without merit; but the writer does not possess the art of arranging his materials clearly, and it is difficult to see one's way to his final results through the multitude of details.

The History of Civilisation in Scotland. By JOHN MACKINTOSH, LL.D. A New Edition. Vol. I. (Paisley: Gardner.) 1892.

A REPRINT of this ambitious work comes by way of surprise, even though it is 'partly rewritten and carefully revised throughout.' It is too large and costly for popular patronage, and too indifferent to tempt the few. It shows at least that Mr. Mackintosh has enthusiasm for his subject, and not a little satisfaction at this 'first attempt to present a synthetic narrative of the condition, progress, and development of the civilisation of the people.' We do not, however, like this edition any better than its predecessor, for, though fresh facts have been added, it is still little better than a jumble of notes on geography, ethnology, political and ecclesiastical history, architecture, local antiquities, and literature. Mr. Mackintosh gives a résumé of the leading works on Scottish history which have been published within recent times, but he cannot be said to have digested them, or to illustrate any general principle, and so to fulfil the sonorous promise of his introduction. His foot-notes may be of service to those who are in search of good authorities. It may be doubted whether we yet have materials for such a work as he has projected. The excellent labours at the Register House and at other no less creditable, though unofficial, centres of industry are ever whetting our desire for a synthesis of Scottish history, and are rapidly making it more possible; but, when it is written, it must be a synthesis and not a conglomeration, it must show a sense of discretion, an eye to proportion, and a power of suggestion, which enthusiastic antiquaries in general, and Mr. Mackintosh in particular, do not possess. The style of this book is as ambitious and confused as the matter; the punctuation is strangely ordered; there may be some in whom the red and blue and gold of the frontispiece will deaden the desire to try the letterpress, as there may be others, less sensitive and more sceptical, who will decline to take Mr. Mackintosh as a guide till they learn how he came to call it a portrait of Robert Bruce.

Materials for the History of the Church of Lancaster. Edited by W. O. ROPER. (Manchester: Printed for the Chetham Society. 1892.)

EVERY encouragement should be given to local antiquarian societies in printing the great wealth of material lying buried in unprinted cartularies, and one need only point to the 'Burton Cartulary,' edited for the Salt Society by General Wrottesley, or to those of Rievaux, Whitby, &c., for examples of their value. More especially should this work be encouraged, now that it is out of favour with the authorities of the Public Record Office. But, so far at least as the historical student is concerned, the two things that he naturally looks for are interesting materials and good editing. In both these, to speak plainly, this volume is wanting. Its materials are remarkable neither for early date nor for historic interest. The opening charter purports to be that by which Roger of Poitou gave to St. Martin of Séez the church of Mary of Lancaster as an alien priory. It runs in the third person and is of doubtful accuracy. It is difficult to glean from these pages whether Roger of Poitou was ever an earl, and, if so, of what. This has long been a moot point. We have also a charter

of his successor in possession, Ranulf, earl of Chester, and a few of John, both as 'Earl of Moreton' and King, of no particular interest. One by Edmund, son of Henry III, in 1271, may be noted, because, though in possession of the Lancaster estates, he does not style himself earl. There has been a question as to the date at which he became one. The editor's chief work would seem to have consisted in appending to each charter a painfully literal translation. No attempt is made to date them regularly, although many contain evidence of date. Occasionally a sheriff or bishop has his date given in a footnote, which shows that the omission is not systematic. Surely it is fatuous, in a note to a charter by Adam, son of Orm, in 1296, to refer the reader to another of his charters, where a note is appended that an 'Inquisition taken in 1407 states that a certain Adam de Kellet, son of Orm de Kellet, had a grant *from King John* of the township, etc.' There are several cases also in which names might have been extended instead of being left as initials. What the second volume may have in store for us one cannot tell, but the present one has no preface or introduction to speak of (two 'chapters' of five pages), though it ranges from 'the eternal hills' to 'the young chevalier.'

History of the Church in England from the Beginning of the Christian Era to the Accession of Henry VIII. By Mary H. Allies. (London: Burns & Oates. 1892.)

This book may tend to edify in their faith such young ladies of Roman catholic families as being ignorant of the ecclesiastical history of England seek to learn it here. It contains a good deal of hagiology and many religious reflexions, either defends or passes lightly over papal acts that are generally condemned by historians, and is severe in its condemnation of those who opposed the Roman see. Its title is odd, for the 'beginning of the Christian era' is an early date for England. However Miss Allies heads her first chapter 'The Church in Britain,' about which she has little to say, and then goes on to 'The Church in England,' a term which suggests that she dislikes the national character asserted by the correct designation the Church of England. This suggestion receives confirmation from, *inter alia*, her description of the statute of Praemunire as an 'evil creation of kings.' The statute was, we are told, ignored by the popes 'whenever the good of the church required it.' Miss Allies has consulted a number of original and other authorities, and appears to have taken some pains to get up her facts correctly. Unfortunately she is under the impression that the Simon de Montfort who 'had given prominence to the two orders of lords and commons as a constitutional body' was the father of the 'popular leader' who married the widow of the Earl Marshal.

The municipality of Bayonne have resolved on the publication of the principal documents in their archives which have escaped the conflagration of 31 Dec. 1889. The first volume printed in accordance with this resolution is a handsome 4to, pp. lii, 542 (Lamaignère, Rue Jacques Lafitte 9, Bayonne), entitled 'Livre des Établissements,' from its principal contents. But many other documents, charters, commissions, royal

and other letters, are given besides the 'Établissements' proper. Thus the book opens with a confirmation by Richard, duke of Aquitaine, followed by his charter on wrecks; further on we have a charter of John, letters from Henry III, Edward I, Commissions of the Seneschals of Guyenne, and many other documents belonging to the period of the English domination. Many of these have appeared elsewhere, in Rymer's 'Fœdera,' Balasque and Dulaurens' 'Études Historiques sur la Ville de Bayonne,' Fr. Michel's 'Rôles Gascons;' but of these a fuller and better text is generally given, and often both in Latin and Gascon; several are here printed for the first time. The previously inedited 'Établissements,' which form the bulk of the volume, comprise the whole regulations for the administration and police of the town during the middle ages, and furnish an excellent picture of medieval town life. The whole range of the various documents is from 1170 to 1533, with scattered papers and fragments of the sixteenth and seventeenth centuries. One document we miss, which we hope will be printed in a future volume, if it has escaped the flames; this is the 'Anciennes coutumes de Bayonne,' 1273 (?) given by MM. Balasque and Dulaurens, vol. ii. pp. 594–681. The preface to the present volume, giving a history of the archives of Bayonne, is by MM. Poydenot et Charles Bernadou; the transcription of the documents is by MM. Édouard Ducéré et Pierre Yturbide. There are a glossary and full indices. The book does honour both to the printer, and especially to the city of Bayonne.

Archives of the London Dutch Church. Register of the Attestations or Certificates of Membership, Confessions of Guilt, Certificates of Marriages, Betrothals, Publications of Banns, &c., preserved in the Dutch Reformed Church, Austin Friars, London (1568–1872). Edited by J. H. Hessels. Published for the Consistory of the London Dutch Church. (London: David Nutt, 1892.) This work, which follows upon the two solid volumes of correspondence noticed some time ago in this Review (vol. vi. 385–393, 1891), furnishes new evidence of the vitality and energy that continue to distinguish the Dutch reformed community in London. To some extent it forms a supplement to the handsome edition of the 'Marriage, Baptismal, and Burial Registers (1571–1874) of the Dutch Reformed Church, Austin Friars,' which was printed for private circulation by Mr. W. J. C. Moens in 1884. But by far the greater number of the documents which have recently come to light and are now calendared by Mr. Hessels relate to a different class of material—namely, the attestations of membership of the church. They are the certificates brought by Dutch settlers in London from the authorities of the congregation whence they came. Mr. Hessels's plan of editing also differs from that of Mr. Moens; for while the latter arranged his entries alphabetically Mr. Hessels places them in order of time. This method in the case of his documents was indeed the only one possible, since a single certificate commonly includes husband and wife, and often others, and to have calendared each separately, with the notifying ministers, &c., the place, date, and other particulars, would have more than doubled the size of an already substantial volume. The editor has removed any difficulties in the way of finding out particular names by means of abundant indexes, first of the churches or communities issuing the

certificates, arranged under nationalities and denominations; secondly, of places, largely repeating the former, but including also all the more incidental notices; thirdly, of ministers and elders; and fourthly of the persons in whose favour the certificates were granted, and of others mentioned in them. It is unnecessary to do more than indicate the contents of Mr. Hessels's volume, in order to show its high importance not merely for Dutch family history, but also for the statistics of the Dutch immigration into England, especially in the sixteenth and seventeenth centuries. The confessions of guilt contain not a few curious details, illustrating theology and morals. The editor's name is a sufficient guarantee of the scholarly character of his publication, and he has succeeded by means of various typographical devices in giving his facts clearly and with the greatest economy of space. We notice that in the preface Mr. Hessels remarks with surprise that certificates of the Dutch community of Altona should be dated from Hamburg. The explanation, we believe, is that the Lutherans of the latter city forbade the exercise of Reformed worship until the eighteenth century; so that the Dutch community resident at Hamburg were forced to unite for religious purposes with their reformed brethren at Altona under the more tolerant government of Holstein. On p. ix Mr. J. J. Bond is charged with two errors which are not to be found in the fourth edition (1889) of his useful 'Handy-Book for verifying Dates.'

The Flight to Varennes, and other Historical Essays. By Oscar Browning. (London: Swan Sonnenschein & Co. 1892.)

These essays will be found useful and suggestive by students of the revolutionary period. The final word has certainly not been said on many of the subjects dealt with in this little volume, but the information is for the most part up to date, and given in a readable and interesting form. The order in which the essays are arranged is open to criticism, and, in a volume dealing with purely historical subjects, the last essay might well have been omitted. Most of the essays originally appeared as articles in various magazines, but they are well worth reprinting.

Der Antheil der Russen am Feldzug von 1799 *in der Schweiz.* Von Otto Hartmann. (Zürich: A. Munk. 1892.)

Dr. Hartmann is known to historical students as the author of an excellent and searching investigation of the Winkelried legend, and his new book is distinguished by the same careful comparison and criticism of original authorities, so that it is of equal value as a contribution to critical history. Its most important and lengthy section—filling over half the work—is naturally that on Suvoroff's unparalleled march over the St. Gotthard, Kinzig Kulm, Pragel, and Panixer passes. This is an admirable study in military history, based on a minute personal acquaintance with the ground, and throwing quite a new light on many incidents of this most wonderful mountain campaign. One of the most striking results arrived at is that the usual tale of the tremendous struggle round the Urnerloch and the Devil's Bridge is a modern legend, not forty years old. It is proved clearly that the only resistance in those parts made by

the French was very feeble, and due entirely to a handful of men who had escaped from Lecourbe's main army down the valley the previous day. But even Dr. Hartmann's acumen has failed to discover why Suvoroff did not go from Altdorf to Schwyz by the Axenstrasse, which had been traversed six weeks earlier by Lecourbe's army, and was an infinitely easier route than the Kinzig Kulm pass. It is interesting to learn that it was Grenville who first suggested the plan of driving the French out of Switzerland by means of the joint action of the Russian and Austrian armies, while Korsakoff's corps was maintained and paid by English gold. We hear too of Colonel Williams, an English officer in the Austrian service, who commanded a flotilla of nine boats, manned by Swiss, on the lake of Zürich, and who was thus, in a sense, the first and only Swiss admiral; while the passing mention of Major Paravicini, a Swiss officer in the English service, excites our curiosity.

Aus der Paulskirche: Berichte an den Schwäbischen Merkur aus den Jahren 1848 *und* 1849. Von GUSTAV RÜMELIN. Herausgegeben und eingeleitet von H. R. SCHÄFER. (Stuttgart: G. J. Göschen'sche Verlagshandlung. 1892.)

THIS volume, as its title implies, consists of a series of letters contributed to a well-known South German newspaper at the time when the national assembly was sitting at Frankfort. The letters attracted considerable attention, for the writer had excellent means of information, as he was himself a member of the assembly; and, though he did not take a very prominent part in its debates, he was sufficiently distinguished to be chosen as one of the deputation which was sent to offer the headship of Germany to Frederick William IV. The point of view from which the letters are written is that of an advocate of a German confederation excluding Austria, and under the leadership of Prussia. They give a graphic picture of the position of parties in the assembly and afford useful materials for the historian of that remarkable period. The editor has contented himself with occasional foot-notes, explanatory of topical allusions which the lapse of forty years has made obscure, and has added a good but rather lengthy introduction. In other respects the original form and substance of the letters have been preserved, and the reader can study the proceedings of the Frankfort parliament, just as they were described in the columns of the contemporary press. The book also includes five short political essays originally published in a supplement of the same newspaper, in which Rümelin advocated the adhesion of Würtemberg to the 'alliance of the three kings,' which formed a sequel to the failure of the national assembly, and which in its turn speedily collapsed. The style is clear, if not remarkable for brilliancy, and, as the editor pointedly remarks in his introduction, it does not read like the 'newspaper German' of the present day.

Souvenirs du Général Jarras, chef d'état-major général de l'armée du Rhin (1870). Publiés par Madame JARRAS. (Paris: Librairie Plon. 1892.)

THIS is the latest of the many publications which have appeared on the subject of the Franco-German war. Its author, General Jarras, was an eye-witness of the events which he narrates, and it fell to his lot to sign the historic convention by which Metz capitulated to the Prussians. He was attached to the army which was under the command of Bazaine, and his book accordingly deals exclusively with that particular episode of the war which took place in and around Metz. The notes from which the book was written were compiled immediately after the events occurred, and it seems to have been the author's intention to publish his narrative on his return to Paris. But the sanction of the ministry of war was not forthcoming, and, as General Jarras did not care to issue his work anonymously, the publication was postponed and the book entrusted to the care of his wife. The author lays no claim to literary skill, and his reminiscences are military rather than political. A good map of the country round Metz accompanies the volume, and the reader is thus enabled to follow the narrative without difficulty. The last chapter, which describes the interview between General Jarras and Major-General von Stiehle at Frescati, outside Metz, to arrange the terms of surrender, is by far the most interesting in the book, and may be recommended to others besides military students.

Encyklopädie und Methodologie der Theologie. Von Dr. HEINRICH KIHN. (Freiburg im Breisgau: Herder. 1892.)

WE are concerned with only one section of Dr. Kihn's bibliographical guide to the study of theology in all its departments. The historical portion is very full, and in general excellently done. It is also well up to date, and has an admirable index. It is not often that we note the omission of good German works like Bernheim's 'Lehrbuch der historischen Methode' or Grotefend's 'Zeitrechnung des deutschen Mittelalters.' There is but one serious criticism. Dr. Kihn might have taken a slightly wider view of his subject, even for the practical use of the Roman catholic priesthood. Why, for instance, should great national collections like the Rolls Series or the 'Monumenta Germaniae Historica' be excluded from the 'Neuere Sammelwerke'? Or can it be said that the later church history of England is at all adequately represented by Lingard (the only general history named), Brosch's 'Cromwell,' and six works on questions connected with the Reformation?

The History of Hampshire, by Mr. T. W. Shore (London: Elliot Stock, 1892), one of the well-designed series of popular county histories, each of which takes up a single volume, published at a low price, is best described as moderate alike in knowledge, accuracy, and readableness. Though Mr. Shore does not seem to possess any great special knowledge, he has compiled a creditable account of his county from the ordinary modern sources. The early history is simply a general history of the country, with a few references here and there to Hampshire, and including with a good deal of fair history a considerable admixture of bad ethnology

and doubtful philology. Nor are its historical statements always to be trusted, though the writer seldom goes very far astray. In the latter part of the book a different method is followed. Breaking off in the general narrative after Angevin times, Mr. Shore treats separately of the monasteries, the manors and hundreds, the remains and legends of the middle ages, the Isle of Wight, Winchester, Southampton, and Portsmouth. A perfunctory chapter on 'later medieval and general history' carries us in twelve pages from the middle ages to our own day. Many things that we expect to find in a county history are left out, and what is dealt with is treated in a dull and unsystematic manner. Mr. Shore's constitutional history is exceedingly weak. 'The earliest Saxon organisation for local government,' he tells us, 'is that of tithing.' 'These tithings,' he adds, 'were village communities under which the ten men not merely bound themselves together for security but also for co-operative farming.' Nor is his grasp of general history very much stronger, when, for instance, he tells us that Henry III married 'Eleanor of Poitou.' His notions of historical evidence are peculiar, and he is quite sure of points that to other men are doubtful and obscure. He is fond of quoting Madox's 'History of the Exchequer,' though seldom precisely; but, as he sometimes calls the author 'Maddox' and at other times 'Maddock,' he is either a careless proof-reader or an inaccurate writer. Though the book will seldom lead its readers very far astray, it will not add much to the reputation of the series.

On the occasion of the publication (in 1887) of the first volume of Herr J. Dierauer's admirable *Geschichte der Schweizerischen Eidgenossenschaft* (Gotha: F. A. Perthes), we described so fully the general lines on which it was built (above, vol. iii. 558–561), that it is not now necessary to do more than announce the appearance (in 1892) of the second—and we regret to say concluding—volume. This describes the century between 1415 and 1516, the first civil war, the first foreign conquests, the great Burgundian war, which did much towards creating a Swiss nation, the practical separation from the empire, the increase in the number of the members of the Confederation, and the brief but glorious period of domination in the Milanese cut short by Marignano. Through each and all these different phases of Swiss history Herr Dierauer is a most trustworthy and capable guide. His narrative is always clear and accurate, and it is based on the original authorities as well as the writings of modern Swiss historians and historical critics, while, exact references being given for every statement, the student can easily work out any special point more minutely than is possible in a general history. It is noteworthy that the author rejects with scorn the theory—invented by Barante and adopted by J. von Müller—according to which Louis XI instigated Duke Sigismund of Austria to apply for aid to Charles the Bold, in order to embroil Burgundy with the Swiss Confederation. One cannot blame Herr Dierauer for abstaining from writing the history of the three centuries after 1516—the most miserable and wretched period of Swiss history. His two volumes will long remain the standard history for Swiss matters up to 1516, and an excellent index greatly helps the reader who wishes to refer to some special point.

The Life and Works of John Arbuthnot, M.D. By George A. Aitken. (Oxford: at the Clarendon Press. 1892.) Edited as it is with care and judgment, this could hardly fail to be an interesting book. It will only disappoint those (for whom we are not allowed to feel a concern in this place) who believe that the rust can be rubbed off literary reputations which have not proved equal to the test of time, and those who fondly imagine that either at Longleat or elsewhere any fresh discovery is to be made concerning the great Jacobite collapse of 1714. The numerous letters from and to Arbuthnot printed in this volume—some of them for the first time from the manuscripts of Mr. W. H. Baillie, though it would have been convenient had the sources been in each case stated with precision—so far as we have observed, contribute in no wise to unravel the worst knot in the tangle, viz. the perfidious procedure of Bolingbroke. On the other hand, they illustrate abundantly how hard 'the Dragon' died, and how frank though kindly an interest his literary 'brothers' took in his struggles. As for Arbuthnot himself, he sailed near the wind with remarkable self-possession, refused to despond in the midst of so many fellow servants of the queen 'exposed in the very streets like so many poor orphans,' and, though two of his brothers took part in the very first invasion plot, survived to contradict a rumour that he had been made physician to Queen Caroline. He was, all the same, a high-minded man as well as a clear thinker and a versatile wit. His humour, except in passages of grave literary burlesque, was hardly of the imperishable sort, as will be manifest on a candid comparison of the famous 'History of John Bull' with 'Gulliver's Travels.' But this, as observed, is a forbidden domain. Of the 'doubtful works' the diary of the dying Burnet has the most *malice*, but we agree with Mr. Aitken that it is not in Arbuthnot's vein.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works of miscellaneous contents)

Bassini (J.) Studii di diritto civile internazionale; leggi, trattati, dottrina, e giurisprudenza dei diversi stati. Pp. 327. Milan. 16mo.

Campbell (D.) The puritan in Holland, England, and America: an introduction to American history. 2 vol. Pp. 1080. London: Osgood, McIlvaine, & Co. 21/.

Fiorini (M.) Il mappamondo di Fausto Roghesi. Rome: Società geografica italiana. Pp. 19.

Kihn (H.) Encyklopädie und Methodologie der Theologie. Pp. 573. Freiburg: Herder.

Labande (L. H.) Catalogue sommaire des manuscrits de la Bibliothèque d'Avignon (Musée Calvet). Paris: Picard. 7·50 f.

Lane-Poole (S.) Coins and medals: their place in history and art.; ed. by. New ed. revised. Pp. 292, illustr. London: Stock. 6/.

Lecky (W. E. H.) The political value of history. London: Arnold. 2/6.

Milt (F. de) & Bishop (E.) Bibliographie générale des inventaires imprimés. I: France et Angleterre. Paris: Leroux. 12 f.

Muratori (L. A.) & Leibniz (G. G.) Corrispondenza, pubblicata da M. Campori. Pp. xliv, 337. Modena: Vincenzi.

Nikel (J.) Socialpolitik und sociale Bewegungen im Altertum. Pp. 76. Paderborn: Schöningh. 1·20 m.

Vélez de Aragón (Z.) Nociones de geografía histórica. Pp. 157, illustr. Madrid: Calleja. 4to.

Welzhofer (H.) Allgemeine Geschichte des Altertums. III: Geschichte des Orients und Griechenlands im sechsten Jahrhundert v. Chr. Pp. 322. Berlin: Seehagen. 4 m.

Westerkamp (J. B.) Staatenbund und Bundesstaat: Untersuchungen über die Praxis und das Recht der modernen Bünde. Pp. 549. Leipzig: Brockhaus. 14 m.

Williams (S. G.) The history of modern education. Pp. 395. Syracuse, New York: Bardeen.

II. ORIENTAL HISTORY

Addis (W. E.) The documents of the Hexateuch, transl. and arranged in chronological order, with intr. and notes. I: The oldest book of Hebrew history. Pp. 324. London: Nutt. 10/6.

Carey (William) & others. Serampore letters: unpublished correspondence with John Williams [1800–1816]. Ed. by L. & M. Williams. Pp. 150, illustr. London: Putnam. 6/.

Cavignaro (C.) Gli Ebrei in Egitto. VII. Pp. 321–384 (end). Genoa: Sambolino.

East Indies and Persia [1630–1634], Calendar of state papers, colonial series. Edited by W. N. Sainsbury. Pp. xlix, 717. London: H.M. Stationery Office. 15/.

El Djabarti (cheikh Abd-el-Rahman). Merveilles biographiques et historiques, ou chroniques du. Traduites de l'arabe par Chefik Mansour bey, Abdulaziz Kalil bey, Gabriel Nicolas Kalil bey, et Iskender Ammoun effendi. 6 vols. Pp. 334, 310, 276, 298, 235, 328. Cairo. (Leipzig: Brockhaus. 75 m.)

Hommel (F.) Der babylonische Ursprung der egyptischen Kultur nachgewiesen. Pp. 68. Munich: Franz. 4to. 5 m.

Lane-Poole (S.) The history of the Moghul emperors of Hindustan illustrated by their coins. Pp. clxxvii, map. London: Constable. 8/.

Leist (B. W.) Alt-arisches jus civile. I. Pp. 531. Jena: Fischer. 12 m.

Mohammed Nerchakhy. Description topographique et historique de Boukhara, suivie de textes relatifs à la Transoxiane. Texte persan, publ. par C. Schefer. I. Pp. 300. Paris: Leroux. 15 f.

MÜLLER-SIMONIS (P.) Du Caucase au golfe persique à travers l'Arménie, le Kurdistan, et la Mésopotamie. Suivie de notes sur la géographie et l'histoire ancienne de l'Arménie et les inscriptions cunéiformes du bassin de Van, par A. Hyvernat. Illustr. Paris: Delhomme & Briguet. 35 f.

NÖLDEKE (T.) Sketches from Eastern history. Transl. by J. S. Black. Pp. 288. Edinburgh: Black. 10/6.

RADET (G.) La Lydie et le monde grec au temps des Memniades [687–546]. Pp. 335. Paris: Thorin. 15 f.

RYLE (H. E.) The early narratives of Genesis: a brief introduction to the study of Genesis i–xi. Pp. 140. London: Macmillan. 3/.

SIMAIKA (A.) Essai sur la province romaine d'Égypte depuis la conquête jusqu'à Dioclétien: étude politique et administrative. Pp. 235. Paris: Thorin. 6 f.

STEPHENS (H. M.) Albuquerque. Pp. 222, map and portrait. Oxford: Clarendon Press. 2/6.

VIÇWA-MITRA. Les Chamites; Indes préaryennes; origines des Egyptiens, Libyens, Sabéens, Chananéens, et Phéniciens, des Polynésiens, de la civilisation chaldéo-babylonienne, &c. Paris: Maisonneuve. 25 f.

VREEDE (A. C.) Catalogus van de Javaansche en Madoereesche handschriften der Leidsche Universiteits-bibliotheek. Pp. 434. Leyden: Brill. 7·50 fl.

III. GREEK AND ROMAN HISTORY

BUSOLT (G.) Die griechischen Staats- und Rechtsaltertümer. (I. von Müller's Handbuch der klassischen Altertums-Wissenschaft. IV. 1, 1.) 2nd ed. enlarged. Pp. 384. Munich: Beck. 6·50 m.

CASAGRANDI (V.) L' articolo 'Novem' di Festo (appendice alle Minores Gentes). Pp. 112. Turin: Clausen.

—— Le orazioni di Tucidide in rapporto alla loro genuinità e alla critica dei contemporanei. Pp. 51. Catania: Galati.

INSCRIPTIONS.— Corpus inscriptionum Graecarum Graeciae septentrionalis. I: Inscriptiones Graecae Megaridis, Oropiae, Boeotiae, ed. G. Dittenberger. Berlin: Reimer. Fol. 85 m.

—— Recueil des inscriptions juridiques grecques, par R. Dareste, B. Haussoullier, & T. Reinach. II. Paris.

HERMANN (K. F.) Lehrbuch der griechischen Antiquitäten. I: Staatsaltertümer. 6th ed. revised by V. Thumser. II. Pp. 273–801. Freiburg: Mohr. 10 m.

JULLIAN (C.) Gallia: tableau sommaire de la Gaule sous la domination romaine. Pp. 342, illustr. Paris: Hachette. 16mo. 3 f.

LEVISON (H.) Fasti praetorii inde ab Octaviani imperii singularis initio usque ad Hadriani exitum. Pp. 173. Breslau: Preuss & Jünger. 5 m.

MAY (G.) & BECKER (H.) Précis des institutions du droit privé de Rome, destiné à l'explication des auteurs latins. Pp. 260. Paris: Larose & Forcel. 12mo.

MILCHHOEFER (A.) Untersuchungen über die Demenordnung des Kleisthenes. Pp. 48, map. Berlin: Reimer. 4to. 2·50 m.

MONCEAUX (P.) La Grèce avant Alexandre: étude sur la société grecque du sixième au quatrième siècle. Pp. 320, illustr. Paris: May & Motteroz. 4 f.

THOMAS (E.) L'envers de la société romaine d'après Pétrone. Paris. 16mo.

IV. ECCLESIASTICAL AND MEDIEVAL HISTORY

BÖHMER (J. F.) Regesta imperii. V: Die Regesten des Kaiserreichs unter Philipp, Otto IV, Friedrich II, Heinrich (VII.), Conrad IV, Heinrich Raspe, Wilhelm, und Richard [1198–1272]. Ed. J. Ficker & E. Winkelmann. III, 2. Pp. 1375–1579. Innsbruck: Wagner. 4to. 7·80 m.

BRUNE (abbé P.) Histoire de l'ordre hospitalier du Saint-Esprit. Paris: Picard. 12 f.

CIPOLLA (C.) Considerazioni sulle *Getica* di Jordanes e sulle loro relazioni colla *Historia Getarum* di Cassiodoro Senatore: memoria. Pp. 38. Turin: Clausen. 4to.

—— Il trattato De Monarchia di Dante Alighieri e l' opuscolo De Potestate regia et papali di Giovanni da Parigi. Pp. 97. Turin: Clausen. 4to.

COMBA (E.) History of the Waldenses of Italy from their origin to the reformation. Transl. by T. E. Comba. London: Truslove & Shirley. 7/6.

DENK (V. M. O.) Geschichte des gallo-fränkischen Unterrichts- und Bildungswesens von den ältesten Zeiten bis auf Karl den Grossen, mit Berücksichtigung der litterarischen Verhältnisse. Pp. 276. Mainz: Kirchheim. 4·50 m.

DOCUMENTS, Select historical, of the middle ages. Transl. by E. T. Henderson. Pp. 470. London: Bell. 12mo. 5/.

DUHR (B.) Jesuiten-Fabeln: ein Beitrag zur Culturgeschichte. VII, VIII. (Complete, pp. 832.) Freiburg: Herder.

GRÉGOIRE X, Les registres de [1271–1276]: recueil des bulles de ce pape publiées

ou analysées par J. Guiraud. 1. Paris: Thorin. 4to.

GRUHN (A.) Der Kreuzzug Richards I, Löwenherz, von England. Pp. 47. Berlin: Heinrich. 1 m.

HAHN (A.) Documents pour servir à l'histoire des domiciles de la Compagnie de Jésus dans le monde entier [1540 à 1773]. Pp. 101, illustr. Paris: Picard. 4to. 5 f.

HEBRÄISCHE Berichte über die Judenverfolgungen während der Kreuzzüge, herausgegeben von A. Neubauer und M. Stern; ins Deutsche übersetzt von S. Baer. (Quellen zur Geschichte der Juden in Deutschland. II.) Pp. 224. Berlin: Simion.

HOWARD (G. B.) The schism between the oriental and western churches. London: Longmans. 5/6.

JORDANIS de Saxonia Opera ad res Ordinis Praedicatorum spectantia, cura J. J. Bathier. Pp. 121. Freiburg: Mohr. 3·75 f.

MARTYROLOGIUM Romanum Gregorii XIII jussu editum, Urbani VIII et Clementis X auctoritate recognitum, ac deinde [1749] Benedicti XIV labore et studio auctum et castigatum. Pp. xcii, 446. Turin: Marietti. 16mo.

MEER (B. van) De Synode te Emden [1571]. Pp. 299. The Hague: Nijhoff. 4to. 2·50 fl.

MONUMENTA Germaniae historica. Auctores antiquissimi; IX: Chronica minora saec. IV–VII, ed. T. Mommsen. 1, 2. Pp. 341–756, plates. Berlin: Weidmann. 15 m.

— Epistolae. III. Pp. 763, plate. Berlin: Weidmann. 25 m.

— Poetae Latini medii aevi. III, 2. Fasc. 1. Pp. 265–518. Berlin: Weidmann. 15 m.

NOIRET (H.) Documents inédits pour servir à l'histoire de la domination vénitienne en Crète [1380–1485]. Map. Paris.

PAPAL penitentiary, A formulary of the, in the thirteenth century. Ed. H. C. Lea. Pp. 183. Philadelphia: Lea.

PATETTA (F.) La *Lex Fristonum*: studî sulla sua origine e sulla critica del testo. Pp. 98. Turin: Clausen. 4to.

PFISTER (C.) Le duché mérovingien d'Alsace et la légende de sainte Odile; suivis d'une étude sur les anciens monuments de sainte Odile. Pp. 276. Paris: Berger-Levrault. 6 f.

PONTIFICALIS, Liber. Ed. L. Duchesne. Texte, intr., et commentaire. VII (fin.) Pp. 569–650. Paris: Thorin. 4to. (Complete 125 f.)

ROBINSON (J. A.) & JAMES (M. R.) The Gospel according to Peter, and the Revelation of Peter: two lectures on the newly recovered fragments, together with the original texts. Cambridge: University Press. 2/6.

SANDOVAL (A. de). Estudios críticos de la edad media: historia de San Antonio de Padua y de su tiempo. Pp. 188. Madrid: Nuñez. 3 pes.

SOMMERVOGEL (C.) Bibliothèque de la Compagnie de Jésus. Nouvelle édition. III. *Desjacques-Gzowski*. 1984 col. Paris: Picard. 4to. 30 f.

WEYL (R.) Die Beziehungen des Papstthums zum fränkischen Staats- und Kirchenrecht unter den Karolingern. Rechtsgeschichtliche Studie. (Gierke's Untersuchungen zur deutschen Staats- und Rechtsgeschichte, XL.) Pp. 238. Breslau: Koebner. 8 m.

WRONG (G. M.) The crusade of 1383, known as that of the bishop of Norwich. Oxford: Parker. 2/.

V. HISTORY OF MODERN EUROPE

ALMIRANTE (general J.) Estudio sobre la guerra franco-germana de 1870. Pp. 495. Madrid: Impr. del Memorial de Ingenieros. 4to. 11 pes.

BERTOLOTTI (A.) Martiri del libero pensiero e vittime della santa Inquisizione nei secoli XVI, XVII, XVIII. Pp. 147. Rome: Tip. delle Mantellate.

BLEIBTREU (K.) Geschichte und Geist der europäischen Kriege unter Friedrich dem Grossen und Napoleon: kritische Historie. I: Friedrich der Grosse und die Revolution. II: Die napoleonischen Kriege um die Weltherrschaft. Pp. 167, 208. Leipzig: Friedrich. Each 3 m.

BROGLIE (duc de). La paix d'Aix-la-Chapelle. Pp. 346. Paris: C. Lévy. 7·50 f.

GEOFFROY DE GRANDMAISON. L'ambassade française en Espagne pendant la révolution [1789–1804]. Pp. 361. Paris: *Plon*.

LUBOMIRSKI (prince). Histoire contemporaine de la transformation politique et sociale de l'Europe. IV: L'Italie et la Pologne [1860–1864]. Paris: C. Lévy.

MAAG (A.) Geschichte der Schweizertruppen im Kriege Napoleons I in Spanien und Portugal [1807–1814]. I. Pp. 528, maps. Biel: Kuhn. 6 f.

OMPTEDA (baron), colonel in the king's German legion, Memoirs [Nov. 26, 1765, to June 18, 1815]. Transl. by J. Hill. Pp. 324, portrait. London: Grevel. 16/.

PÉLISSIER (L. G.) Documents pour l'histoire de la domination française dans le Milanais [1499–1513]. Pp. 572. Toulouse: Privat.

VAULT-ARVERS (de). Les guerres des Alpes: guerre de la succession d'Autriche [1742–1748]. 2 vol. Pp. 1644, 19 maps. Paris.

WILDE (A.) Fra Krigen i 1848–1849. Pp 190. Copenhagen.

A. FRANCE

ARMSTRONG (E.) The French wars of religion: their political aspects. Pp. 128. London: Percival. 4/6.

AUVRAY (L.) Documents parisiens tirés de la bibliothèque du Vatican (vii^e^-xiii^e^ siècle). Pp. 42. Nogent-le-Rotrou: imp. Daupeley-Gouverneur.

CHASSIN (G. L.) Études documentaires sur la révolution française. La préparation de la guerre de la Vendée [1789-1793]. III. Pp. 632. Paris: Dupont. 10 f.

DELORME (E.) Documents inédits des seizième et dix-septième siècles. Pp. 10, facsimiles. Toulouse: imp. Chauvin.

ESTIGNARD (A.) Le parlement de Franche-Comté, de son installation à Besançon à sa suppression [1674-1790]. II. Pp. 422. Paris: Picard. 7·50 f.

GABRIEL (abbé). Verdun au onzième siècle, son évêque Thierry le Grand, ses comtes Godefroid le Barbu, Godefroid le Bossu, et Godefroid de Bouillon. Pp. 519. Verdun: imp. Renvé-Lallemant. 7 f.

HAIGNERE (abbé D.) Les chartes de Saint-Bertin, d'après le grand cartulaire de dom Charles Joseph Dewitte. IV. 1. Pp. 120. Saint-Omer: imp. d'Homont. 4to.

LABANDE (L. H.) Histoire de Beauvais et de ses institutions communales jusqu'au commencement du quinzième siècle. Pp. 382. Paris: Picard. 7·50 f.

LA BIGNE DE VILLENEUVE (M. de). Eléments de droit constitutionel français. Pp. 664. Paris: Marchal & Billard. 8 f.

MÉNORVAL (E. de). Paris, depuis ses origines jusqu'à nos jours. Deuxième partie: Depuis l'avènement de Charles VI, en 1380, jusqu'à la mort de Henri III, en 1589. Plans. Paris: F. Didot. 6 f.

ORLÉANS (Madame, duchesse d'). Correspondance, extraite de ses lettres originales déposées aux archives de Hanovre et de ses lettres, par L. W. Holland. Trad. par E. Jaeglé. Pp. 291, 300, 303. Paris: Bouillon. 10·50 f.

PERTHUIS (P. A.) & NICOLLIÈRE-[TEIL] (S. de la). Le livre doré de l'[Hôtel de] ville de Nantes, avec les armoi[ries et] jetons des maires. Pp. 456, 22[0]. Nantes: imp. Salières.

PEYRON (abbé). Documents pour l'histoire du clergé et des comm[unautés] religieuses dans le Finistère pe[ndant la] Révolution. [Pp. 444. C]. Salaun. 6 f.

PIÉPAPE (de). Turenne et l'invas[ion de] Champagne [1649-1650]. P[ièces]. Paris: Champion. 3·50 f.

RASTOUL (A.) Histoire de Franc[e de] la révolution de juillet jusq[u'à nos] jours. 2 vol. Paris: Delho[ye et] Briguet. 10 f.

ROMANET (de) & TOURNOËR (H.)[Docu]ments sur la province du Perc[he]. 661, illustr. Mortagne: Pichar[d]. 12 f.

SALABERT (abbé H.) Les saint[s] martyrs du diocèse d'Albi. P[p.] 313, 504. Toulouse: Privat.

SÉCHÉ (L.) Les derniers Jansén[istes] puis la ruine de Port-Royal jus[qu'à nos] jours [1718-1870]. Pp. xxxvi, [...]. Paris: Perrin. 15 f.

SOURCHES (marquis de). Mémoi[res du] règne de Louis XIV. XII. Hachette. 7·50 f.

TUETEY (A.) Répertoire gén[éral des] sources manuscrites de l'his[toire de] Paris pendant la révolution f[rançaise]. II. Pp. xxxix, 593. Paris: C[hampion]. 10 f.

UNIVERSITÉS françaises, Les s[ceaux et] privilèges des, depuis leur f[ondation] jusqu'en 1789. Ed. M. Fourn[ier]. 1: Moyen âge: Universités [de] Nantes, Dole, Besançon, Poitiers, Bordeaux, Valence, [et de l'] studium de Briançon; et su[ppl.] général. Pp. 761. Paris: I[mp.] Forcel. 4to. 50 f.

VARREUX (mademoiselle C. de). [Le] nétable de Saint-Pol, ou la b[ataille de] Montlhéry: histoire du xv^e^ siècl[e]. Cerf. 3·50 f.

B. GERMANY AND AUSTRIA-HUNGARY

BECKHERRN (C.) Die Wappen der Städte Alt-Preussens. Pp. 68, 15 plates. Königsberg: Beyer. 8 m.

BEGUELIN (H. & A. von). Denkwürdigkeiten aus den Jahren 1807-1813, nebst Briefen von Gneisenau und Hardenberg. Ed. A. Ernst. Pp. 292, portr. Berlin: Springer. 5 m.

BISMARCK (Fürst). Politische Reden; historisch-kritische Gesammtausgabe. Ed. H. Kohl. II: [1862-1865]. Pp. 426. Stuttgart: Cotta. 8 m.

BORNHAK (F.) Anna Amalia, Herzogin von Sachsen-Weimar-Eisenach, die Begründerin der klassische[n] Weimars. Pp. 372, plates. Fontane. 5 m.

BRANDENBURG, Urkunden und Act[en] zur Geschichte des Kurfürste[n] rich Wilhelm von. XII: [Pr.] Verhandlungen, VIII, heraus[g.] von F. Hirsch. Pp. 968. Reimer. 25 m.

CARLYLE (Thomas). The battles [of] rick the Great, abstracted [from] biography of Frederick the G[reat]. edited by C. Ransome. Pp. 24[0]. London: Arnold. 5/.

Fehrbinger, Die Stadt Emden in Gegenwart und Vergangenheit. Pp. 323, plates. Emden: Schwalbe. 5 m.

Hegler (A.) Geist und Schrift bei Sebastian Franck: eine Studie zur Geschichte des Spiritualismus in der Reformationszeit. Pp. 291. Freiburg: Mohr. 5 m.

Helmolt (H. F.) König Ruprechts Zug nach Italien. Pp. 182. Jena. (Leipzig: Fock.) 2 m.

Koch (H. H.) Das Dominikanerkloster zu Frankfurt am Main (13–16 Jahrhundert). Pp. 166. Freiburg: Herder. 3 m.

Lamprecht (K.) Deutsche Geschichte. III. Pp. 420. Berlin: Gaertner.

Magdeburg, Urkundenbuch der Stadt. (Urkundenbuch der Provinz Sachsen und angrenzender Gebiete. XXVI.) I: bis 1403. Bearbeitet von G. Hertel. Pp. 556, 4 plates. Halle: Hendel. 14 m.

Malleson (colonel G. B.) The refounding of the German empire [1848–1871]. Pp. 330, portraits and plans. London: Seeley. 5/.

Mollat (G.) Quellenbuch zur Geschichte der deutschen Politik im neunzehnten Jahrhundert. Pp. 293. Leipzig: Haessel. 3 m.

Moltke (Helmold von). Gesammelte Schriften und Denkwürdigkeiten. V. Pp. 345. Berlin: Mittler. 5 m.

— His life and character, sketched in journals, letters, &c. Transl. by Mary Herms. Pp. 315, illustr. London: Osgood, McIlvaine, & Co. 10/6.

Neuburg (C.) Gosslars Bergbau bis 1552: ein Beitrag zur Wirtschafts- und Verfassungsgeschichte des Mittelalters. Pp. 365. Hanover: Hahn. 6 m.

Nuntiaturberichte aus Deutschland [1533–1585] nebst ergänzenden Actenstücken. III: [1572–1585]. I: Der Kampf um Köln [1576–1584], bearbeitet von J. Hansen. Berlin: Bath. 26 m.

Reindell (W.) Doktor Wenzeslaus Linck aus Colditz [1483–1547], nach gedruckten und ungedruckten Quellen dargestellt. I: Bis zur reformatorischen Thätigkeit in Altenburg. Mit einem Anhang, enthaltend die zugehörigen Documenta Linckiana [1485–1522]. Pp. 289, portr. Marburg: Ehrhardt. 4·50 m.

Saaz, Urkundenbuch der Stadt. (Städte- und Urkundenbücher aus Böhmen. Herausgegeben von L. Schlesinger. II). Pp. 292. Prague. (Leipzig: Brockhaus.) 4to. 12 m.

Samson (H.) Die Heiligen als Kirchenpatrone und ihre Auswahl für die Erzdiöcese Köln und für die Bisthümer Münster, Paderborn, Trier, Hildesheim, und Osnabrück. Pp. 431. Paderborn: Bonifacius-Druckerei. 4·20 m.

Sauer (W.) Blüchers Übergang über den Rhein bei Caub; nebst Mitteilungen über den Aufenthalt des York'schen Corps im Herzogtum Nassau von Ende October 1813 bis zum Januar 1814. Pp. 88. Wiesbaden: Kreidel. 3·20 m.

Schlitter (H.) Die Reise des Papstes Pius VI nach Wien und sein Aufenthalt daselbst: ein Beitrag zur Geschichte der Beziehungen Josefs II zur römischen Curie. (Fontes rerum Austriacarum. Oesterreichische Geschichts-Quellen. II: Diplomata et acta. XLVII. 1.) Pp. 229. Vienna: Tempsky. 4·60 m.

Siebenbürgen, Urkundenbuch zur Geschichte der Deutschen in. Von F. Zimmermann & C. Werner. I: [1191–1342]. Nr. 1–582. Pp. xxx, 620, 4 plates. Hermannstadt: Michaelis. 20 m.

Stein (F.) Geschichte der Grafen und Herren zu Castell von ihrem ersten Auftreten bis zum Beginne der neuen Zeit [1058–1528]. Pp. 303. Schweinfurt: Stoer. 7·50 m.

Tollin (H.) Geschichte der französischen Colonie von Magdeburg. III, 1, A: Der Kampf der hugenottischen Glaubensflüchtlinge insbesondere in Magdeburg. Pp. 819, 3 portraits. Magdeburg: Faber. 12 m.

Werenka (D.) Bukowinas Entstehen und Aufblühen. Maria Theresias Zeit. I: [1772–Juni 1775]. Pp. 198, maps. Vienna: Tempsky. 5 m.

Witte (L.) Friedrich der Grosse und die Jesuiten. Pp. 115. Bremen: Müller. 2 m.

C. GREAT BRITAIN AND IRELAND

Abingdon abbey, accounts of the obedientiars of. Ed. R. E. G. Kirk. Pp. 195. London: Camden Society. 4to.

Chartes des libertés anglaises [1100–1305] publiées avec intr. et notes par C. Bémont. Pp. lxxvi, 132. Paris: Picard. 4·50 f.

Biography, Dictionary of national. Ed. S. Lee. XXXIII: *Leighton—Llwelyn*. Pp. 447. London: Smith, Elder, & Co. 15/.

Close rolls, Calendar of the. Edward II. 1307–1313. Pp. 718: London: H.M. Stationery Office. 15/.

Committee for compounding, &c., calendar of the, [1643–1660]. Ed. by Mary A. Everett Green. IV: Cases [July 1650–Dec. 1653]. Pp. 2393–3176. London: H.M. Stationery Office. 15/.

Common prayer, Book of, from the original manuscript attached to the act of uniformity of 1662. Pp. 550. London: Eyre & Spottiswoode. 7/6.

Garnier (R. M.) History of the English landed interest: its customs, laws, and agriculture. Pp. 406. London: Sonnenschein. 10/6.

HEALY (J.) The ancient Irish church. London: Religious Tract Society. 3/.

HENRY VIII, Letters and papers, foreign and domestic, of the reign of; arranged and catalogued by J. Gairdner. XIII. 1: [Jan.–July 1538]. Pp. xlvii. 589. London: H.M. Stationery Office. 15/.

HISTORICAL manuscripts commission, 13th report. Appendix. III: Manuscripts of J. B. Fortescue, preserved at Dropmore. I. London: H.M. Stationery Office. 2/7.

LANCASTER.—Materials for the history of the church of, edited by W. O. Roper. I. Pp. 257. Manchester: Printed for the Chetham Society. 4to.

LOFTIE (W. J.) The inns of court and chancery. Pp. 88, illustr. Fol. London: Seeley. 21/.

MACKINNON (J.) Culture in early Scotland. Pp. 239. London: Williams & Norgate. 7/6.

MIDDLESEX county records. IV. Ed. J. C. Jeaffreson. London: Chapman & Hall. 25/.

OXFORDSHIRE.—Notes on the Oxfordshire Domesday. Pp. 31. London: Frowde. 3/6.

SCHICKLER (baron F. de). Les églises du refuge en Angleterre. 3 vol. Pp. 432, 537, 432. Paris: Fischbacher. 25 f.

SCOTLAND.—Registrum magni sigilli regum Scotorum: The register of the great seal of Scotland. VII: 1609–1620. Edinburgh: Published under the direction of the lord clerk register. 15/.

SELDEN (John), The table talk of. Ed., with notes, by S. H. Reynolds. Pp, 220. Oxford: Clarendon Press. 8/6.

SHARP (A. Mary). The history of Ufton Court, county Berks, and of the family of Perkins; compiled from ancient records. Pp. 276. London: Stock. 4to. 25/.

SYDNEY (W. C.) Social life in England from the restoration to the revolution [1660–1690]. Pp. 440. London: Ward & Downey. 10/6.

WINCHESTER, Compotus rolls of the obedientiaries of St. Swithun's priory; from the Winchester cathedral archives. Edited, with an introduction, by G. W. Kitchin. Pp. 540. Winchester: Warren. (London: Simpkin.) 21/.

YOUNG (A.) Tour in Ireland [1776–1779]. Ed., with notes, by A. W. Hutton. 2 vol. Pp. 880. London: Bell.

ZIMMERMANN (A.) Englands öffentliche Schulen von der Reformation bis zur Gegenwart. Pp. 139. Freiburg: Herder. 1·90 m.

D. ITALY

AMABILE (L.) Il santo officio della inquisizione in Napoli. Pp. 367, 112, 103. Città di Castello: Lapi. 9 l.

ANDRICH (J. A.) De natione Anglica et Scota juristarum universitatis Patavinae [1222–1238]. Pp. 189. Padua: Gallina.

BADDELEY (St. C.) Queen Joanna I of Naples, Sicily, and Jerusalem, countess of Provence, Forcalquier, and Piedmont: an essay on her times. Illustr. London: Heinemann. 16/.

BAENNARUM, Capitula et statuta comunitatis, ab anno 1293. Ed. J. Assandria. Pp. 314. Turin.

CAVENSIS, Codex diplomaticus. Ed. M. Morcaldi, M. Schiani, S. de Stefano. VIII. Pp. 418, 5 plates. Milan: 4to.

CUSUMANO (V.) Storia dei banchi della Sicilia. II. Pp. 299. Rome: Loescher. 5 l.

DUFFY (Bella). The Tuscan republics: Florence, Siena, Pisa, and Lucca; with Genoa. Pp. 456, illustr. London: Unwin. 5/.

GENZARDI (B.) Il comune di Palermo sotto il dominio spagnuolo. Pp. 254. Palermo: Tip. del Giornale di Sicilia. 16mo. 2·50 l.

LEVI (C. A.) Navi venete da codici marini e dipinta. Pp. 291, 106 illustr. Venice: Tip. dell' Emporio. 4to. 10 l.

PADUA, Die Statuten der Juristen-Universität, vom Jahre 1331. Ed. H. Denifle. Freiburg: Herder. 12 m.

PIVA (E.) La guerra di Ferrara del 1482. I. Pp. 127. Padua: Draghi. 2·50 l.

RONCA (M.) Coltura medioevale e poesia latina d' Italia nei secoli XI e XII. 2 vol. Pp. 560. Rome.

SERCAMBI (G.) Le croniche, pubblicate da S. Bonghi sopra i manoscritti originali. I, II. (Fonti per la Storia d' Italia. Scrittori, secolo XIV–XV. XIX, XX.) Pp. xliii, 458, 451. Rome, Lucca: Giusti. 40 l.

E. OTHER COUNTRIES

ABEN ALFARADHI. Historia virorum doctorum Andalusiae. Ed. F. Codera. II. (Biblioteca arábico-hispana. VIII.) Pp. 276. Madrid: Murillo. 4to. 15 pes.

ALVEAR Y WARD (S. de) Historia de D. Diego de Alvear y Ponce de León, brigadier de la Armada. Pp. 592. Madrid: Aguado. 4to.

BARFOD (F.) Danmarks Historie fra 1536 til 1670. III. Pp. 376. Copenhagen.

BAUMGARTNER (A.) Gallus Jakob Baumgartner, Landammann von St. Gallen, und die neuere Staatsentwicklung der Schweiz [1797–1869]. Pp. 536. Freiburg: Herder. 9 m.

BERN.—Fontes rerum Bernensium. VII

3: [1349–1351]. Pp. 385–576. Bern: Schmid, Francke, & Co. 6 f.

De Jonge (J.) Geschiedenis van het vaderland. III: [1713–1891]. Pp. 193. Nijmegen.

Devillers (L.) Cartulaire des comtes de Hainaut, de l'avènement de Guillaume II à la mort de Jacqueline de Bavière. V. Pp. xlv, 787. Brussels: imp. Hayez. 4to. 12 f.

Freixell (A.) Berättelser ur svenska historien. Fortsatta af O. Sjögren. XLVIII. Pp. 322. Stockholm.

Gallet-Mirt (A.) Les États de Flandre sous les périodes espagnole et autrichienne. Pp. 156. Ghent: Vuylsteke. 2 f.

Gouw (J. ter). Geschiedenis van Amsterdam. VIII. Chronologische en alfabetische registers, 1. Amsterdam: Van Holkema & Warendorf.

Höfler (C., Ritter von). Die Katastrophe des herzoglichen Hauses der Borja's v. Gandia; Niederlage und Flucht Don Juan's II, Plünderung des Palastes Borja [25 Juli 1521.] Pp. 54. Vienna: Tempsky. 4to. 3 m.

McCracken (W. D.) The rise of the Swiss Republic. Boston.

Moret y Remisa (L.) Lecciones de historia general del derecho español. Pp. 364. Madrid: Suarez. 4to. 7 pes.

Planta (C. P. von). Geschichte von Graubünden in ihren Hauptzügen gemeinfasslich dargestellt. Pp. 440. Bern: Wyss. 7·80 f.

Pollard (A. F.) The Jesuits in Poland. Pp. 98. Oxford: Blackwell. 2/6.

Rüeger (J. J.) Chronik der Stadt und Landschaft Schaffhausen. II, 2. Pp. 115. Schaffhausen: C. Schoch. 4to. 15 f.

Sanct Gallen.—Urkundenbuch der Abtei. Edited by H. Wartmann. IV, 1: [1360–1379]. Pp. 216. St. Gallen: Huber. 12 f.

Stcherbatow (général prince). Le Feldmaréchal prince Paskévitch, sa vie politique et militaire, d'après des documents inédits. Traduit par une Russe. III: [1827–1831]. Paris: Reinwald. 15 f.

Tamaro (M.) Le città e le castella dell' Istria. I. Pp. 336. Parenzo: Coana. 5 l.

Vos (chanoine). Le clergé et le diocèse de Tournai depuis le concordat de 1801 jusqu'à nos jours. II, III. Braine-le-Comte: Zech. Pp. 340, 369. 5 f.

Wyss (F. von). Abhandlungen zur Geschichte des schweizerischen öffentlichen Rechts. Pp. 475. Zürich: Orell Füssli. 9 f.

Zürich, Urkundenbuch der Stadt und Landschaft. Ed. J. Escher & P. Schweizer. II, 2. Pp. 201–427. Zürich: Höhr. 4to. 8·55 f.

VI. AMERICAN AND COLONIAL HISTORY.

Adams (C. F.) Three episodes of Massachusetts history. 2 vol. Pp. 1067, maps. Boston: Houghton, Mifflin, & Co.

Angleria (Pedro Martir). Fuentes históricas sobre Colón y América. Transl. by J. T. Asensio. I, II, III. Pp. lvi, 392, 507, 445. Madrid: Murillo. 6 pes each.

Asensio (J. M.) Martin Alonso Pinzón: estudio histórico. Pp. 297. Madrid: Murillo. 3·50 pes.

Baker (W. S.) Itinerary of general Washington [June 15, 1775–Dec. 23, 1783]. Pp. 337, portr. Philadelphia: Lippincott.

Balaguer (V.) Castillo y Aragón en el descubrimiento de América. Pp. 28. Madrid: Sáenz de Jubera. 4to. 1·25 pes.

Bancroft (H. H.) Chronicles of the builders of the Commonwealth. VII. Pp. 642. San Francisco: The History Co.

Campe (J. E.) Historia del descubrimiento y conquista de América. I, II. Pp. 304, 300. Madrid: impr. de la Compañía de Impresores y Libreros. Each 3·50 pes.

Castelar (E.) Historia del descubrimiento de América. Pp. 595. Madrid: Rivadeneyra. 4to. 13·50 pes.

Colección de documentos inéditos, relativos al descubrimiento, conquista, y organización de las antiguas posesiones españoles de Ultramar. II[a] Serie. VII. Pp. 449. Madrid: Rivadeneyra. 4to. 13·50 pes.

Colección de documentos inéditos para la historia de España. CIV [relating to American affairs]. Pp. 522. Madrid: Murillo. 4to. 13 pes.

Elliott (O. L.) The tariff controversy in the United States [1789–1833]. Leland Stanford Junior University. $1.

Elton (C. I.) The career of Columbus. Pp. 316, map. London: Cassell. 10/6.

Ford (P. L.) Essays on the constitution of the United States published during its discussion by the people [1787–1788]. Pp. 430, Brooklyn: Historical Printing Club.

Fort Pitt, and letters from the frontier: with life of general J. O'Hara; journal of Caleron, 1749; journal and letters of captain S. Ecuver, commandant at Fort Pitt, 1763, &c. Pp. 318, maps, &c. Pittsburg, Pennsylvania: Weldin.

Fulton (C.) History of the democratic party, from Thomas Jefferson to Grover Cleveland; lives of Cleveland and Stevenson. Pp. 600, illustr. New York: P. F. Collier.

Hammer (B.) Die Franciscaner in den

Vereinigten Staaten Nordamericas, von der Entdeckung durch Columbus bis auf unsere Zeit. Pp. 143, illustr. Cologne: Bachem. 2·50 m.

HART (A. B.) Formation of the union [1750–1829]. (Epochs of American History.) Pp. 278, maps. London: Longmans. 3/6.

LAZZARONI (M.) Cristoforo Colombo. Pp. 850. Milan.

LUCCI-MARCHI (G.) Cristoforo Colombo e la scoperta del nuovo mondo. Pp. 163, illustr. Milan: Carrara.

MARKHAM (C. R.) Life of Christopher Columbus. Pp. 375, illustr. London: Philip. 4/6.

MARVIN (A. P.) The life and times of Cotton Mather, 1663–1728. Pp. 587, portr. Boston: Congregational Publ. Soc.

MIQUEL VIGIL (C.) Noticias biográfico-genealógicas de Pedro Menéndez de Aviléz, primer adelantado y conquistador de la Florida. Pp. 211. Madrid: Suarez. 4to. 3 pes.

SANDERS (W. L.) The colonial records of North Carolina. 10 vols. Raleigh (North Carolina). 4to.

SCAIFE W. B.) America; its geographical history [1492–1892]. Pp. 176, maps. Baltimore: Johns Hopkins Press. $1·50.

SCHILLMANN (R.) Die Entdeckung Amerikas durch Christoph Columbus am 12 Okt. 1492. Pp. 87, portr. Berlin: Nicolai. 2 m.

SHERRIN (R. A.) & WALLACE (J. H.) Early history of New Zealand; from the earliest times to 1845. Ed. T. W. Leys. Pp. 780, illustr. London: Truslove & Shirley. 4to. 45/.

TARDUCCI (F.) Di Giovanni e Sebastiano Caboto: memorie raccolte e documentate. Pp. 429. Venice: Visentini.

VEGA (J. G. de la). Biblioteca histórica filipina. Historias sobre la conquista militar, civilización cristiana, gobierno, y administración de este archipiélago. I, II. 1. Pp. 1012, 712. Madrid: Murillo. 4to. 11 pes each.

Contents of Periodical Publications

I. FRANCE

Bibliothèque de l'Ecole des Chartes, liii. 3.—E. Jarry: *The armed resistance to Urban VI and the French alliance with Milan* [1386–1395], first article.——H. Omont prints *letters relating to a proposal of reunion between the Greek and Latin churches in* 1327 [Andronicus II Palaeologus opening the negotiations through Charles IV of France]; and *four letters* [*c.* 1325—*c.* 1335] from the library of St. Mark, Venice [one a petition to John XXII, the others of interest for French history]. ——L. de Mas Latrie: *The 'officium robarie' at Genoa* [an 'office of piracy' for giving compensation to persons plundered by the Genoese corsairs, described (*c.* 1328) by William Adam, archbishop of Sultanieh in Persia, whose account is here printed].——E. Teilhard de Chardin: *The beginning of the year at Clermont and Montferrand* [March 25, down to the reform of 1567-8].——J. Havet notes an inscription confirming his *date for Chlotochar III's accession* [657, not 655 or 656].—— *Letters of indulgence of the cathedral church of Saintes.*

Revue Critique d'Histoire et de Littérature, 1892. 39. 26 *Sept.*—B. A. V.: *Asensio's 'Cristobal Colon'* [attacked as a pretentious imposture].═══**41.** 10 Oct.—A. Sorel: *Thureau-Dangin" 'Histoire de la monarchie de juillets,* vi, vii.═══**44.** 31 *Oct.*—H d'Arbois de Jubainville: *Müllenhoff's 'Deutsche Altertumskunde,'* iii, and *Bertrand's 'La Gaule avant les Gaulois.'*——A. Sorel: *Broglie's 'La paix d' Aix-la-Chapelle.'*═══**46.** 14 *Nov.*—P. Berger: *Pellegrini's 'Studii d' epigrafia fenicia.'*——A. Chuquet: *'Correspondance de Carnot'* [1792-1793], and *Tuetey's 'Sources manuscrites de l'histoire de Paris pendant la révolution,'* ii. 2.═══**47.** 21 *Nov.*—C. Enlart: *Corroyer's 'L'architecture gothique.'* ═══**48.** 28 *Nov.*— G. Maspero: *Schiaparelli's Egyptian discoveries.* ═══**49.** 5 *Dec.*—F. D. C.: *Talleyrand's Mémoires,* iv, v.═══**50.** 12 *Dec.* E. Pottier: *Paris's 'Elatée.'*——R.: *Schickler's 'Eglises du refuge en Angleterre.'*

Revue des Etudes Juives, No. 48. *April*—C. Bloch: *An episode in the commercial history of the Jews of Languedoc* [1738].

Revue Historique, l. 1. *September*—A. Réville: *'Abjuratio regni':* the history of an English institution [traced from the practice of outlawry, but gradually associated with the right of sanctuary. Abundant illustrations are furnished from statutes, rolls, &c. Among modern treatises reference might have been made to W. F. Craies' article in the 'Law Quarterly Review,' No. xxiv (October 1890)].—— C. Pfister: Note on the *Formulary of Marculf* [maintaining that it is of Austrasian origin, and that the Landricus to whom it is dedicated was not the bishop of Paris (*c.* 652), but was St. Landric, bishop, in all probability, not of Meaux but of Metz (*c.* 650); the dedication of one manuscript, to Glidulfus, pointing to a second edition inscribed to Landric's successor, Clidulf or Clodulf. It is further suggested that Marculf was the same person with Marculf cellarer of Salicis, identified with the monastery of Saint-Pient, who is mentioned in the life of St. Columbanus].—— C. Petit-Dutaillis describes a new *chronicle of the reign of Philip Augustus* [recently discovered by L. Delisle. It was written in French by one connected with Béthune, and extends from the Trojan war to 1217]. ═══**2.** *November*—C. Dufayard: *The club of the Allobroges and the annexation of Savoy by France* [1792].——A. Molinier: *The title of 'vir inluster' of the Merovingian kings* [defending, against Fustel de Coulanges, J. Havet's view that the title never existed and only appears in documents through a clerical error for 'viris inlustribus'].——C. V. Langlois prints extracts from a Le Mans manuscript containing *Latin poems of the end of the thirteenth century.*——H. H.: *The birthplace of*

Columbus [not Savona but Genoa].——P. VAUCHELET: *General Gobert*, continued from vol. xlviii. 1; third article: The expedition of Guadeloupe [1802].

Revue des Questions Historiques, lii. 2. *October.*—P. FERET: *The origins of the university of Paris and its organisation in the twelfth and thirteenth centuries* [a totally antiquated production which relies on Du Boulay and only once alludes to Denifle's 'Chartularium.' The latter's history, as well as the works of Kaufmann and Rashdall, seems unknown to the writer].——T. DE PUYMAIGRE: *John the Blind, king of Bohemia, in France* [with a sketch of the early history of the house of Luxemburg, and a detailed account of John's life, especially in his western relations].——H. DE BROC: *Jean-Gabriel-Philippe Morice* [1776–1847], a witness of the revolution in Paris [from his unpublished memoirs].——E. ALLAIN: *The educational enquiry of the year ix* [1800–1801].——J. FORBES: *A charge against Edmond Campion* [that he revealed the names of his friends. The writer considers the evidence to have been concocted by Burghley].——G. DU FRESNE DE BEAUCOURT: *The abbé Edgeworth's words to Louis XVI* at his death [urging that they were really said].

Société de l'Histoire du Protestantisme Français. Bulletin historique et littéraire. **xli. 9.** *September*—C. READ: *The memoir of the duke of Burgundy against the Huguenots* [1710; revived for political purposes in 1787].——**10.** *October*—J. PANNIER: *The refugee church at Canterbury and its founders.*——**11.** *November*—E. PICOT describes *French plays touching on religious controversy* [*c.* 1535].——N. W. prints a *letter of Gomarus* [1618].——T. MAILLARD prints a '*complainte véritable*' *of a galérien* [about the end of the seventeenth century].

II. GERMANY AND AUSTRIA

Archiv für Oesterreichische Geschichte (Vienna), **lxxviii. 1.**—A. HUBER: *The relations of Ferdinand I with Isabella of Transilvania* [1551–1555].——J. LOSERTH prints the '*Granum Catalogi Praesulum Moraviae*' [866–1416, with an introduction describing its manuscripts and examining its sources. The editor judges the work to have been compiled about 1421].——D. WERENKA: *The rise and prosperity of Bukowina*; the time of Maria Theresa. I: [1772–June 1775], with ninety-two documents, an index, and numerous maps.

Bayerische Akademie der Wissenschaften (Munich), **1892, 1.**—WECKLEIN: *Themistocles and the battle of Salamis.*——E., Freiherr VON OEFELE, prints two *documents of Lewis the German* [831] *and Arnulf* [899, of interest for the history of the diocese of Eichstädt; with notes on others].——**2.**—*Obituary notices of Ferdinand Gregorovius* [† 1 May 1891], *August von Druffel* [† 23 October 1891], *Franz von Löher* [† 1 March 1892], *Georg Voigt* [† 18 August 1891], *Edward Augustus Freeman* [† 16 March 1892], *Albert Jäger* [† 10 August 1891], *and Ernst, Ritter von Birk* [† 18 May 1891].——K. KRUMBACHER: *Studies in the legends of St. Theodosios* [examining the manuscripts of the two lives of the saint, and their relations; with critical remarks on the text, grammar, use of words, &c.]

Byzantinische Zeitschrift (Leipzig), **i. 1.**—C. DE BOOR: *Roman imperial history in a Byzantine shape.* I. The 'Anonymus post Dionem.'——H. GELZER: *Josua Stylites and the ecclesiastical parties in the east at the beginning of the sixth century.*——T. PREGER: The chronicle attributed to Iulios Polydeukes [by a mistake of Andreas Darmarios, who found the 'Onomasticon' of that writer in a manuscript next after the anonymous chronicle].——J. B. BURY: *The identity of Thomas the Slavonian.*——M TREU: *Demetrios Kydones*; and *Mazaris and Holobolos* [discovering the latter in Manuel Holobolos, physician and philosopher, who flourished *c.* 1400].——E. PATZIG: *Dictys Cretensis* [accepting the existence of a Greek original].

Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **viii. 1.**—F. CAUER: *Aristotle as an historian* [calling attention to the preponderance of opinion in favour of his authorship of the Πολιτεία τῶν Ἀθηναίων and at the same time opposed to the unqualified acceptance of his historical statements].——F. VON BEZOLD: *Astrological systems of history in the middle ages.*——F. ARNHEIM: *Contributions to the history of the northern question in the latter half of the eighteenth century*, continued from vol. v. 2. V: The northern policy of the European powers in the years 1767–1769. VI: Frederick the Great and Gustavus III before and after the coup d'état at Stockholm [19 August 1772], concluded.——N. VAN WERVEKE: *The date of the emperor Henry VII's birth* [not 1262 (Albertus Mussatus) nor 1269 (Brosien), but probably in 1276].——B. MINZES: *Historical studies in Russia.*——O. MASSLOW & G. SOMMERFELDT: *Bibliography of German history* (modern).

Göttingische Gelehrte Anzeigen, 1892,

21. 15 *October*.—Luschin von Ebengreuth: *On the history of German schools* [the universities of Frankfurt an der Oder and Rostock, and the academical gymnasium at Hamburg].——A. Wyss: *Hessisches Urkundenbuch*: Hanau, i [767-1300, dealing with] the recently published collection of documents].——22. 1 *Nov*.—C. Schmidt: *Wirth's 'Danae in christlichen Legenden.'*——23. 15 *Nov*.—R. Schmitt: *Jähns' 'Geschichte der Kriegswissenschaften.'*——24. 1 *Dec*.—W. Friedensburg: *The despatches of the nuncio Giovanni Morone* [1539-1540], edited by F. Dittrich.

Historisches Jahrbuch (Munich), **xiii. 4.**—F. X. von Funk: *The summoning of the œcumenical synods of the early church* [restating, with the evidence, his contention that this right belonged to the exclusive prerogative of the emperor, and that the pope had no official share in the act].——F. G. Schultheiss: *The privilege of Frederick I for Aachen* [1166, reciting the spurious charter of Charles the Great, and itself set out in the confirmatory charter of Frederick II, 1244] *considered in relation to the Caroline legend*.——C. Weyman: *On the tracts 'de Spectaculis' and 'de Bono Pudicitiae' attributed to St. Cyprian* [with reference to E. Wölfflin's argument in favour of their genuineness. The writer suggests that they are by Novatian].——A. Ebner prints *historical notices from Italian liturgical manuscripts*.——Dr. Birck: *Nicolas of Cusa at the council of Basel*.——A. Hirschmann: *Recent literature on the Theban legion*.

Historische Zeitschrift (Munich), **lxix. 1.**—K. Wittich: *On the history of Wallenstein*, third article.——B. Niese: *On the historical part of Aristotle's 'Constitution of Athens'* [accepting it as an Aristotelian production but not free from errors].——M. L. prints documents illustrating *the alliances of Prussia before the second Silesian war* [the treaties with the Empire and France; to which is added one hitherto unknown with Hesse-Cassel].——2.—M. Lenz: *The battle of Frankenhausen* [1525, examining the value of the sources, with reference to the opposed views of Droysen and Falkenheimer, and re-enforcing the argument of the latter].——K. Wenck: *St. Elizabeth* [a biography].——H. von Sybel prints *correspondence of Gneisenau with his son-in-law, count Friedrich Wilhelm von Brühl* [3 Jan. 1829–17 August, 1831].

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xiii. 3.**—T. Lindner: *The battle of Brescia* [examining the authorities, fixing the event on 24 (not 21) October, 1401, and deciding it to have been rather a series of skirmishes than an actual battle]; and *The electoral union at Bingen* [comparing the two texts of the act of 17 Jan. 1424 (here printed) and opposing Droysen's view that the electors aimed at establishing an oligarchy]. Documents are added illustrating *the condition of Poland in* 1383, *the Polish policy of Sigismund* [1435-1436], *the ecclesiastical policy of Albert II* [1439], &c.——T. Schön prints a *narrative of a pilgrimage to the Holy Land* [1494].——A. Schulte: *The early life of prince Eugene of Savoy* [his mother, Olympia Mancini, and her family; his life down to 1696], with documents [1683] and a pedigree.——A. Busson: *Manfred's son, Frederick, in the Tyrol* [at the end of 1307, before he succeeded, through Edward II's intervention, in obtaining refuge in England].——V. von Hofmann-Wellenhof: *A supposed authority for the history of the university of Vienna* [Reutlinger's notices, resting exclusively on known and printed sources].——4.—W. Erben: *Excursuses on the diplomas of Otto III*, with facsimiles.——W. Lippert: *On the history of the emperor Lewis the Bavarian*. I: Lewis's proposal of abdication [1333-4]. II: Margrave Frederick of Meissen's visit to the Emperor [1330]. III: Notes on the diplomatic characteristics of Lewis's documents.——W. Altmann: *On the history of the election of Maximilian II as king of the Romans* [printing a memoir of the time addressed to the electors].——P. Kehr: *Conrad III's charters for Corvei* [1147, controverting T. Illgen's conclusions].——E. Heyck describes *documents of the Austrian dukes* [1345-1369] at Freiburg.

Monatsschrift für Geschichte und Wissenschaft des Judenthums (Dresden), **xxxvii.** (N.S., **i.**) *October*—F. Rosenthal: *On the history of the Sicarii* during the last years of the second temple.——M. Freudenthal: *The first efforts towards the emancipation of the Jews in Breslau*.

Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde (Hanover), **xviii. 1.**—B. Krusch: *The 'Vita Genovefa'* [giving reasons for considering it not a work of the sixth century, but a forgery of the eighth, devoid of historical value; and examining the relation of the manuscripts].——E. Dümmler: *On the biography of Alcuin* [examining chronological points, especially with reference to Alcuin's visits to Rome, and those to England after his establishment in the Frankish kingdom (his presence at the council of Cealchyd in 786 and his residence in England from 790 to 793), the date of the synod of Aachen (probably 799), &c.].——L. Traube: *The 'Computus Helperici'* [printed by Pez. The writer assigns the work to the well-known Heiric of

Auxerre, whose biography he explores: of the variants in the name he takes 'Helperic' as a surname and 'Albric' as the result of a confusion with Ælfric, who also wrote a treatise 'de Computo'], printing an anonymous tract of the ninth century in reply to the question '*Quid sit ceroma*,' and adding a *note on Heiric's commentaries*.——T., Ritter von Sickel: *The* '*Vita Hadriani Nonantulana*' *in connexion with the codex V of the* '*Liber diurnus*' [probably made use of in its composition].——E. Sackur: *The* '*Dictatus papae*' *and the collection of canons of Deusdedit* [arguing, against S. Löwenfeld, that the 'Dictatus' do not belong to the Register of Gregory VII or to the year 1075, but are based upon the collection of Deusdedit, and were inserted, not necessarily by the pope's orders, in the Register, possibly in a space which happened to be vacant].——P. Scheffer-Boichorst: *Dictamina on events in papal history* [showing letters of the Merovingian and Carolingian period printed by Torrigio in 1635 to be forgeries of the time of the renaissance; and rejecting on historical grounds the two letters of Adrian IV and Frederick I (1159), known from the 'Continuatio Aquicinctina' of Sigebert, and regarding them as school exercises]; with a note on *the oath of security or fidelity* to the popes often taken by the emperors before coronation [not an oath of fealty in the feudal sense but an assurance of personal security].——C. Rodenberg: *On the antecedents of the peace of San Germano* [printing a collection of letters of Thomas of Capua, cardinal of S. Sabina, during his mission to the emperor, 1229–1230].—— K. Hegel: *Latin words and German ideas* [on the use of 'civitas,' 'urbs,' 'castrum' ('castellum'), 'oppidum;' 'mercator,' 'negotiator;' 'divites et pauperes' in medieval texts].——F. Liebermann: *On materials for the history of Eastern England from the twelfth to the fourteenth century, with special reference to the false Ingulf* [dealing with the historical productions of Peterborough, Ely, Crowland, and other monasteries. This article is noticed separately above, p. 128].—— T. Mommsen: *Aera* [traced from the 'aera consulum' of Asturian inscriptions, the word being probably of Iberian derivation].——O. Holder Egger: *On the* '*Translatio S. Germani*' [describing a text in a Farfa manuscript older than that printed in the 'Monum. Germ. hist.,' Scrr. xv., which is shown to be largely interpolated. The work, however, is historically without value].——E. Mühlbacher: *The privilege of Lewis the Pious for Halberstadt* [814, maintaining that it is substantially genuine, but with interpolations in the script in which alone it is and printing the text].——F *On the forged capitularies of Levita* [dealing with the pu fabrication, the first three ch the prefatory matter].—— defends *the attribution of t* '*Collectio de Raptoribus*' i tulary of Quierzy [857] *to Rheims*.——H. Bresslau: *manuscript of the Chroni heimense* [printing the peculiar to it].——L. von describes a *legal manusc monastery of St. Peter, S* Oberbaierische Landrecht o and a copy in the Bavaria the Sachsenspiegel].——L. *On the language and the electoral agreement and Rense* [1338].—— H. S *Various readings to Andr* —This number is dedica Wattenbach on the occas doctoral jubilee.

Theologische Quartalschrift lxxiv. 4.—Professor Rüc *identification of Amwds* Maccabean *Emmaus*, but n *Emmaus* of the Gospel *Irsemes*].——Dr. Birck: *Cues and the papal primac* the view that he altered his the subject].

Zeitschrift der Deutschen M schen Gesellschaft (Leipzig J. Jolly: *Contributions to of Indian law*.——J. H. *On a South Arabian inscri*

Zeitschrift für Katholische (Innsbruck), **xvi. 4.**—M. *St. Bonaventura's doctrine nation*.——F. Stentrup: *doctrine of the necessity o ment and incarnation*.——J *Priscillian in the light of ticism*.

Zeitschrift für Kirchengeschic xiii. 2, 3.—W. Bröcking *Berengar of Tours*. I: Be the Roman synod of 1079 tence in his doctrine]. II of composition of his book [placing it between 1076 a ginning of 1078, nearly eigh than the currently accepted E. Lempp: *The beginnings of St. Clara* [showing th Rule (1219) was of the Bene and was without connexio Franciscan system; the nu ject to the bishop of the 1227 Gregory IX introduce ciscan oversight, and accor second Rule (1247) the ord ther conformed, except as r holding of property, to the model. The complete ass this was effected by the th

1253, which organised the sisters definitely as 'poor Clares'].——H. Gelzer: *Contributions to Russian church history from Greek sources* [chiefly on the diocesan system].——P. Vetter: *Witzel's flight from Albertine Saxony* [1539, partly from materials in the Dresden archives, from which four letters by Kitzel are printed].——D. Schäfer: *Carlstadt's visit to Denmark* [giving reasons for believing, against T. Kolde, that he went thither].——T. Kolde prints *correspondence of Luther and Melanchthon with margraves George and Frederick of Brandenburg* [5 Jan. 1523—21 March 1551].——H. Nebelsieck prints a *letter of Francisco de Enzinas* (Dryander) *to Juan Diaz* (Decius) [21 Dec. 1545].——E. Böhmer prints the *unpublished beginning of Enzinas'* '*Historia de statu Belgico deque religione Hispanica.*'——K. Lohmeyer prints *records of the activity of the Jesuit college at Braunsberg in Ermland* [1584–1602].——*Short notes* [chiefly on points in the history of the German reformation].

Zeitschrift für Wissenschaftliche Theologie (Leipzig), **xxxvi. 3.**—J. Drăseke: *Maximus the philosopher* [in connexion with St. Athanasius].——A. Freystedt: *The controversy respecting predestination in the ninth century.*

III. GREAT BRITAIN AND IRELAND

Church Quarterly Review, No. 69. *October*—*Preparations for the first prayer book of Edward VI*; some scarce published works of 1547–1549.——*Graetz's* '*History of the Jews.*'——*The statutes of Lincoln cathedral* [illustrating the English canonical system, the derivation of which from Bayeux is noted].——*Early chronicles of the western church* [St. Jerome's, the catalogues of popes, &c.]

Dublin Review, New Series, **No. 4.** *October*—C. van den Biesen: *The authorship and composition of the Hexateuch* [a popular exposition of the modern view as to its successive formation. The writer considers the Book of the Covenant to be Mosaic], first article.——W. Fitzpatrick: *The Spanish monarchy* [from Ferdinand to Philip II].——W. J. Amherst: *Charles Langdale* [1787–1868].

Edinburgh Review, No. 362. *July*—*Curzon's* '*Persia.*'——*The duke d'Aumale's* '*Histoire des princes de Condé,*' vi.——*The history of the Verney family.*——*Letters of the duke of Argyll to lord Godolphin* relating to the debates in the Scottish parliament on the union with England [1705–1706].——*Marshal Saxe and the marquis d'Argenson* [dealing with works by the duke de Broglie and E. Armstrong].

Jewish Chronicle. *September* 16—M. D. Davis: *On the Jews at Winchester.*——*October* 7—M. D. Davis: *On Jews in England in* 1250 [from the close rolls].

Jewish Quarterly Review, No. 17. *Oct.*—J. Jacobs: *Notes on the Jews of Angevin England*, continued from previous volume [treating of Jewish business and deeds; Jewish contributions to the treasury; Jewish population; the York riots; Isaac of York. It is to be regretted that Mr. Jacobs has not appended to his essay a full index of the very numerous names of persons and places].——S. Schechter: *The life and works of Moses ben Nahman* (usually called Nahmanides) *of Gerona in Catalonia.*——M. D. Davis: *An Anglo-Jewish divorce* [1292; relating to one David of Oxford, who divorced his wife Muriella and married another named Licoricia. The court was composed, by the king's order, of masters Moses of London, Aaron of Canterbury, and Jacob of Oxford. Mr. Davis seeks to identify these three rabbis, by the help of other documents, but only succeeds with certainty in the case of Aaron. The main interest of the document lies in the king's objecting to a reference being made by the Jews of England on a matter concerning them to the decision of a rabbinical council in France. Mr. Davis says that David's case was submitted to the rabbinical tribunal of Paris, without any proof whatever that the tribunal was in that city; it is possible that the king objected to a college composed of rabbis in Normandy, e.g. at Dreux.——Dr. Gĕdemann: *On a Hebrew document concerning the war of Charles the Bold against Fribourg in Switzerland* [1476].

Proceedings of the Huguenot Society of London, iv. 1.—C. A. Rahlenbeck: *Notes on the Flemish and Walloon refugees in England in the sixteenth century.*——Sir A. H. Layard prints *letters from Giovanni Moro, ambassador of the republic at Paris, to the doge of Venice, and from Carlo Birago* [a secret agent in the employ of Catherine de' Medici] *to the queen mother* [19 August 1583–27 April 1584].——*List of English refugees at Frankfurt-am-Main* [1557].

Quarterly Review, No. 350. *October*—*Sir Walter Ralegh* [chiefly on W. Stebbing's 'Life'].——*Ancient Sicily* [on Freeman's 'History of Sicily' and Lupus' 'Syrakus'].——*Homer and*

recent discoveries [at Mycenae and Tiryns].——*Dr. Johnson's letters.*——*The development of dress* [principally in modern Europe].

Scottish Review, No. 40. *October*—J. B. PAUL: *Scottish heraldry* [in connexion with Alexander Nisbet].——J. H. CRAWFORD: *Forfarshire* [chiefly prehistoric].——J. B. BURY: *Freeman's 'History of Sicily,'* III [with a general estimate of the historian].——A. GRANT: *The Scottish origin of the Merlin myth.*——J. BEDDOE: *The anthropological history of Europe*, continued.——K. BLIND: *Kossuth and Klapka* [with personal recollections].——J. DOWNIE: *How the Scottish union has worked* [chiefly concerned with the eighteenth century and concluding with a highly favourable judgment].

IV. ITALY

Archivio Storico Italiano (Florence), **5th Series. x. 1.**—F. SAVINI: *On the identification of Aprutium with Teramo* [arguing that the former name, used since the fifth or sixth century to designate the town, gave place to that of the church, S. Maria Teramnensis (the ancient Interamnia)].——L. STAFFETTI: *Charles V at Spires in* 1544, with three letters written from that city by cardinal Cybo-Malaspina [5 Febr.—12 March 1544].——G. RONDONI describes a *contemporary record of the French rule in Tuscany* [extending from Febr. 1798 to July 1809].——A. VIRGILI: *On the interpretation of 'Inferno' xix.* 16–21.——C. CARNESECCHI: *Madonna Caterina degli Alberti Corsini*; with a petition on her behalf [April 1414].——A. ZANELLI prints the *oath of fealty taken by Buoso da Dovara to Alfonso X of Castile* [1271].——C. PAOLI: *Instruments for writing in the middle ages* [from illustrations in manuscripts and an early printed book].——E. VON OTTENTHAL: *German publications on Italian medieval history* [1890–1891].

Archivio Storico Lombardo (Milan), **xix. 3.** *September.*—L. A. FERRAI: *The annals of Datius and the Patarines* [examining the evidence concerning the work of Datius, bishop of Milan in the sixth century, known to us from the references of Landulf and Fiamma; showing that it was relied upon in the eleventh century as the authority for the Milanese tradition respecting the marriage of the clergy; and suggesting that when that tradition was abandoned, the chronicle lost its interest and ceased to be transcribed unless in extracts].——G. ROMANO: *On the relations between Pavia and Milan during the formation of the dominion of the Visconti* [including a study of Giacomo Bussolari].——Z. VOLTA prints the *statutes of the Collegium Marlianorum at Pavia* [founded in 1475 by Raimondo de' Marliani; with an account of its endowments, &c].——C. VIGNATI: Francesco de Lemene [1634–1704] *and his unpublished correspondence*; second article, concluded.——L. BELTRAMI prints the *original protocols of the provisional regency of the kingdom of Italy* [1814–1815].——*Archæological notes.*

Archivio Storico per le Province Napoletane, xvii. 3.—G. DEL GIUDICE: *Riccardo Filangieri under Frederick II, Conrad, and Manfred*; last article [1254—1261–3].——E. NUNZIANTE: *The first years of Ferdinand of Aragon and the invasion of John of Anjou*, second article, with two documents [1457–1458].——M. SCHIPA: *The duchy of Naples*, third article: The effects of the Lombard wars; duke Sergius I, the condition of Naples in his time, and the troubles from Lombards and Saracens [840–864].——L. VOLPICELLA: *The great bell of Aquila* [refounded in 1494, melted into cannons by order of Charles V, 1530].——B. CAPASSO: *The topography of Naples in the eleventh century*, third article: catalogue of the smaller churches; with a map of the duchy.

Archivio Storico Siciliano (Palermo). New Series. **xvii. 1.**—G. ROMANO: *Guiniforte Barzizza at the taking of Gerba* [1432]; with an unpublished Latin poem of Antonio Canobio relative to the event.——V. DI GIOVANNI: *The 'Brevis historia liberationis Messanae'* [giving reasons for believing it to have been fabricated at some date between 1560 and 1638 or 1640, and criticising the text published by G. B. Siragusa in vol. XV].——C. M. BRIQUET: *The sorts of paper used for manuscripts in Sicily* [none made of cotton].——F. M. MIRABELLA prints documents concerning *Sicilian sculptors of the sixteenth century.*——[The lists of contents of foreign periodical publications are printed with extraordinary ignorance].

Bullettino dell' Istituto Storico Italiano (Rome), **No. 12.**—C. MERKEL: *Bibliography of documentary materials for the medieval history of Italy* published from 1885 to 1891.

Rivista Storica Italiana (Turin), **ix. 3.**—A. ZANELLI: *Brescia under Filippo Maria Visconti* [1421–1426], with documents.——G. CAPASSO: *Papal diplomacy in Germany during the sixteenth century* [in connexion with the edition of the 'Nuntiaturberichte aus Deutschland [1533–1559]' recently published by the Prussian Historical Institute at Rome].

V. THE NETHERLANDS

Bijdragen en Mededeelingen van het Historische Gencotschap gevestigd te Utrecht (The Hague), **xiii.**—R. Fruin prints from a Leyden manuscript the unpublished *memoir of Sancho de Londoño on the military operations of 1568 in the Netherlands*, with a Dutch translation and notes.——H. C. Rogge prints a *letter of the heer van Valkenburg, governor of the principality of Orange, to Grotius* [5 May 1630], with observations by W. G. Brill.——R. Fruin prints an unpublished *continuation* [in a French version] *of Joachim Hopperus 'Recueil et Memorial des Troubles des Pays-Bas'* [down to 1573; very probably added by the writer].——J. T. de Raadt prints *documents illustrating the incidents of war in the country of Malines* [1622–1668].——D. H. Delprat prints *Daniel Delprat's 'Journal concernant les événements politiques de notre patrie'* [1798–1807].

Bi dragen voor Vaderlandsche Geschiedenis en Oudheidkunde (The Hague), **3rd series, vii. 1.**—P. J. Blok: *'Schieringers' and 'Vetkoopers'* [the parties of the Cistercians and the Praemonstratensians in Friesland, and their disputes in the fourteenth and fifteenth centuries].—— F. J. L. Krämer: *On the secret treaty of William III with Sardan* [21 April 1674] published in the previous volume of the 'Bijdragen' [adding elucidations from the papers of raadpensionaris Fagel].—— S. Muller Hzn.: *The Netherlandish names in the 'Tabula Peutingeriana'* [textual emendations].——H. C. Rogge: *Grotius' 'Verantwoordingh van de wettelijcke regieringh van Holland,'* with letters by Grotius and others [1622].

Bulletin de la Commission de l'Histoire des Eglises Wallonnes (The Hague), **v. 3.**—E. Lesens: *The Dutch protestant colony at Rouen in the seventeenth century* [printing a list of members, also of settlers from Flanders, Hamburg, &c.].——P. J. Buyskes prints extracts from the *correspondence of the ambassadors of the United Provinces at the French court* [1680–1725]; second part: *Correspondence of C. van Heemskerk* [1698–1700, with memorials of refugees] *and of W. Buijs* [1714–1718].

VI. RUSSIA

(Communicated by W. R. Morfill)

Istoricheski Viestnik.—*September-October-November*—Jagmin: *Recollections of a Polish rebel* [giving details of the insurrection of 1863].——J. Dubasov: *Sketches of social life in the government of Tambov in the seventeenth and eighteenth centuries* [from documents preserved in the archives].——*October*—S. Chakhotin: *Contributions to the history of diplomatic relations between the Russians and Turks at the beginning of the seventeenth century* [printing the letter of the sultan Murad IV in answer to the Russian embassy 1628–1629].——K. Gorbunov: *An episode of the revolt of Pugatschev* [in 1774, from local traditions].——S. Adrianov: *The position of women in Russia in the seventeenth century.*

Russkaia Starina.—*September-October-November*—A. Zeland: *Recollections of the Polish insurrection* 1830–1831.——V. Vonliarlarski: *Recollections of the war in* 1877–1878, concluded [giving details of the signing of the peace of San Stefano].——*The cholera in St. Petersburg in* 1830: *the story of an eyewitness* [an account of the riots which took place].——*October-November*—N. Schilder: *The correspondence of the empress Catherine on the Greek project* [re-establishing Greece as an independent power].—— N. Schilder: *The correspondence of the empress Catherine with count Rumiantsov* 1790–1795.——*The journey of the emperor Paul to Kazan in* 1798.——*The death of count Diebitsch* [of cholera during the Polish insurrection in 1831].——N. Ogloblin: *Social features of the seventeenth century* [from documents in the state archives].——*November*—V. Bilbasov: *The first appearance of the Russians in history* [an examination of the Scandinavian theory in the light of recent research].—— *The Turkish embassy in the year* 1833.

Zhurnal Ministerstva Narodnago Prosviestchenia.—*September-October-November*—G. Forsten: *The Baltic question in the sixteenth and seventeenth centuries* [continued].——N. Tikhomirov: *Some remarks on the Novgorod chronicles* [their date and authorship].——A. Khakhanov: *The compilation and sources of the Georgian chronicle* [to support the authority of the Kartlis-Tskhovreba: among other things the writer shows that it contains traces of old Georgian historical ballads].——*November*—S. Bershadski: *The law of succession to intestate estates among the Lithuanians.*——D. Kobeko: *Where was the city of Bezdezh mentioned in the chronicles?* [on the right bank of the Volga to the north of Sarai].

VII. SPAIN

Boletin de la Real Academia de la Historia, xxi. 1–3. *July–September*—C. F. Duro discusses *the traditions relating to Alonso Sanchez de Huelva* [who is alleged to have anticipated Columbus in the discovery of America].——A. Blázquez: *A study of the Itinerary of Antoninus.*——F. Fita: *Biographical notices of Cortés and Columbus* drawn from the archives of the Order of Santiago.——*Roman and Visigothic inscriptions.*==**4.** *October*—M. Menéndez y Pelayo prints and translates *Juan Ginés de Sepulvéda's tract in justification of the war against the Indians.*——F. Fita contributes further *documents relating to Cortés and Columbus*, and *two briefs of Clement VII* [providing for the religious instruction of the natives].== **5.** *November*—E. M. O. Dognée describes an *illuminated manuscript* in the university library of Liège [identified as a Latin translation (*c.* 1415) of a treatise on health by the celebrated Cordovan physician, Abulcasis].

VIII. SWITZERLAND

Anzeiger für Schweizerische Geschichte (Bern), **1892, 4, 5.**—R. Hoppeler: *On the list of provosts of the hospice of St. Bernard* [in supplement to the writer's article in the 'Anzeiger' 1891, 5].——R. Maag: *Note on the early possessions of the house of Habsburg in Alsace* [correcting a passage in the 'Urbarbuch'].——R. Thommen prints a *statement of the complaints of the citizens of Fribourg against the Bernese* [1446–7].——E. Haffter: *Notes and corrections to Cérésole's 'La République de Venise et les Suisses.'*——Major H. Caviezel: *The battle 'an der Calven'* [1499, printing a list of the Gotteshausbündner slain].——T. von Liebenau prints a *complaint against the Bernese officers after the battle of Villmergen* [1656].——A. Küchler prints a document on *the potato-tithe in Uri* [1768].——J. Strickler reprints *articles from Paris newspapers* [20 Oct.–31 Dec. 1797] *by La Harpe and his associates.*——*Bibliography of Swiss history for* 1891.==Supplement.—H. Türler: *Inventory of the state archives of the canton of Bern* [concluded] and *of the archives of the city of Bern* [commenced].

IX. UNITED STATES OF AMERICA

Johns Hopkins' University Studies in Historical and Political Science (Baltimore), **x. 8, 9.**—A. C. Applegarth: *Quakers in Pennsylvania*; their customs and laws, their attitude towards Indians and towards slavery [down to its abolition in the state in 1780].

Magazine of American History (New York). —*September*—S. C. Clarke prints a narrative of the *capture of Stony Point* [July 1779, from the manuscript of an officer engaged].——Hon. C. Moore: *An account of the fur trade of the North West Company.*==*October.*——Judge W. Clark: *Notes on the career of general James Hogun* [1776–1780]== *November*—Colonel J. Doniphan: *The discovery and settlement of Louisiana.*——*Reprint of Otto count de Mosloy's paper on the discovery of America by Martin Behem* [1786].——*Letter of Washington* [17 Feb. 1787].——W. L. Stone prints *notes by Guy Johnson on the North American Indians* [May 1775].

Errata in No. 28.

Page 712, line 4 of postscript, *for* 'Bebmes' *read* 'Belmis.'

„ 712, line 8 of postscript, *for* 'Earldland' *read* 'Ealdland.'

„ 746, line 38, *for* 'one of the only . . . in Paris, which was' *read* 'which, taken from a different point of view, has also been.'

THE ENGLISH

HISTORICAL REVIEW

NO. XXX.—APRIL 1893

The Emperor Zenon and the Isaurians

THE history of the Roman empire at the end of the fifth century and the beginning of the sixth is a subject to which but little attention has been paid by historians. Gibbon, in whose pages the period is almost a blank, characterises it as follows :—

> After the fall of the Roman empire in the west an interval of fifty years till the memorable reign of Justinian is faintly marked by the obscure names and imperfect annals of Zeno, Anastasius, and Justin, who successively ascended the throne of Constantinople.

But in spite of the opinion of Gibbon the subject is not without its special interest ; for during this period the power of the generals of barbarian birth, who had so long tyrannised over the empire of the east and at this very time destroyed the empire of the west, was overthrown by the mountaineers of Isauria, and an Isaurian chief reigned almost as a foreign conqueror over the eastern empire. These striking events are to my mind worthy of more attentive study than any that has yet been given to them ; though in justice to Gibbon it should be observed that the important fragments of John of Antioch were not known to him,[1] while in our own time much new light has been thrown upon the period through the publication of fresh fragments of this author and of John Malala by Müller in 1870[2] and in a more complete form by Mommsen in the 'Hermes' for 1872. Mr. Hodgkin, writing since the publication of these new sources of information, has made use of them in his account of the death of Odovacar and of the rebellion of Vitalian, but in his narrative of Isaurian affairs he has strangely neglected

[1] He knew only the excerpts *De virtute*, which do not bear upon this particular subject.

[2] *Fragmenta Historicorum Graecorum*, v. 27.

them altogether;[3] besides, as from the nature of his subject he relates the events only with regard to their effect upon Italian history, his account is necessarily an incomplete one. Mr. Bury, in his 'History of the Later Roman Empire,' has treated the Isaurian history of this period in a short and not altogether satisfactory manner; his account of the rebellion under Anastasius, in which he has trusted too much to a German dissertation by Rose,[4] is in particular full of inaccuracies, as I hope presently to show. No special work has, so far as I am aware, been written upon the subject of the Isaurian domination, and I have therefore thought it worth while to relate the events connected with it in some detail, so far as they can be made out from the original authorities, the fragments of Malchos, Eustace of Epiphaneia, and John of Antioch, the Epitome of Candidus, the Chronicles of Joshua the Stylite[5] and Marcellinus, and the Chronographies of John Malala and Theophanes, with occasional help from Theodore the Reader, Jordanes, Liberatus, Evagrius, and the later Byzantines.

The barbarians, who since the time of Constantine had formed an ever increasing part of the Roman armies, were in the middle of the fifth century already building kingdoms of their own upon the ruins of the western empire, and even in the east scarcely a general could be found who was not of barbarian origin; hence it might with good reason be expected that the empire of the east would in no long time suffer the fate of the west. Upon the death of the Emperor Marcian, the Alan Aspar, who played the same part in the east as Ricimer in the west, had placed his client Leo on the throne of Constantinople, and during the early part of Leo's reign, though the obscure Dacian bore the title of emperor, the imperial authority was in the hands of 'the patrician' (for in order to designate Aspar it was not necessary to mention his name), so that we actually find Pope Leo writing to the Arian barbarian to beg him to use his influence for the suppression of the disturbances directed against the faith of Kalchedon.[6] The emperor had even promised to bestow upon Patrick, the son of Aspar, the title of Caesar and to give him his daughter in marriage,[7] and it seemed but a step further to subject the eastern empire, like that of the west, to the avowed supremacy of a barbarian master.

But Aspar had mistaken the character of the man with whom

[3] *Italy and her Invaders*, vol. iii.

[4] Adolf Rose, *Kaiser Anastasius I.* Dissert. Halle-Wittenberg. 1882.

[5] Joshua the Stylite, whose work has been little noticed by historians, was a native of Edessa, and wrote a Syriac chronicle of the events of his own times down to the year 507. It deals principally with the Persian war under Anastasius, but has also some important notices of earlier events. It was published with an English translation by the late Professor Wright. (Cambridge. 1882.)

[6] Leo, *Ep.* 151, 153.

[7] Marcell. ann. 471. Cf. Jo. Mal. ap. Mommsen, *Hermes*, vi. 369.

he had to deal. Leo had, indeed, readily accepted the empire at the hands of the Alan, and, lacking any authority of his own, had been forced to submit to the dictation of his barbarian patron; but he chafed under the yoke, and soon began to look about for some means whereby he might make himself emperor in deed as well as in name. But the Goths, Alans, and other barbarians, who filled the Roman armies, were the devoted servants of Aspar,[8] and from the unwarlike Romans no help was to be expected; where then could the emperor find a weapon wherewith to overthrow the patrician? On the southern slopes of Mount Tauros there lived a race of hardy mountaineers, who in their native strongholds had for centuries defied the power of Rome. The victories of Servilius Isauricus and other Roman generals, if they ever penetrated the fastnesses at all, had been but passing occupations, and the Isaurians had maintained their independence against the Romans as securely as the Montenegrins against the Turks, supporting themselves, like the Highlanders of Scotland, by plundering raids into the plains below; and this independence had been so far recognised that they were designated as barbarians and seem never to have obtained the Roman citizenship. During the weakness of the empire after the death of the elder Theodosius they had extended their ravages over nearly the whole of Asia Minor, and a lively picture of the distress and terror caused by them at this time is preserved to us in the letters of John Chrysostom. These cruel inroads had never been forgotten, and Isaurian was still in Roman ears a name of abomination. The use which might be made of them as defenders of the sinking empire had not, however, been altogether overlooked, and in the reign of the younger Theodosius an Isaurian named Zenon had held the position of a Roman general and consul, and had become so powerful, probably by the support of his warlike countrymen, that the emperor's jealousy had been aroused, and he was preparing to make war upon the Isaurian, when his attention was diverted by the news of Attila's preparations against the west.[9]

It was towards this warlike people that Leo now turned his eyes. With the plan of an Isaurian alliance perhaps already in his mind, he had found courage to refuse a request of Aspar, whereupon the patrician treated him with the greatest insolence;[10] and from this moment Aspar's influence began to decline. A comparison of the passages in the so-called Leo the grammarian and Kedrenos with the

[8] See Jo. Mal. *l.c.*

[9] Prisc. *Fr.* 14; Jo. Ant. *Fr.* 199, 1. The latter passage is plainly a continuation of the former, and might well have been printed among the fragments of Priscus. This Zenon must, I think, be the 'great commander of the east' referred to by Damascius (ap. Phot.) *Vit. Isid. Fr.* 290 (*Vitae Philosophorum*, Didot); if so, he was a heathen.

[10] Cand. ap. Phot. (Müller, *Fragm. Hist. Graec.* iv. 135); Leo Gramm. 113; Kedr. 346 D; Zon. 14, 1.

epitome of Candidus and the code of Justinian[11] makes it probab that this scene is to be placed in 459. A few years later Leo sen for an Isaurian chieftain, Tarasikodissa of Rousoumblada,[12] and gav him his daughter in marriage, the daughter whom he had promised t the son of Aspar,[13] and the Isaurian on becoming the emperor's son in-law changed his uncouth barbarian name for the Greek one o Zenon in memory of his countryman, the general. The date of thi marriage cannot be fixed with certainty. Theophanes places it in 459, and Mr. Bury follows him, but the authority of Theophanes a a chronologist is notoriously worthless, and the date must surely b too early.[14] As the young Leo was seven at the time of his death in November 474,[15] and we hear of no other children of the marriage we should probably not be far[16] wrong in placing that event in 466 though it may have been a year or two earlier. At the same time or shortly afterwards Zenon was made master of the soldiers in the east.[17] Henceforth there were two factions at the court of Constan tinople, the Isaurian and the barbarian, which for convenience we may call the Gothic faction. For the next twenty years the history of the empire turns upon the struggle between these factions, which as long as Aspar lived, took the form of secret intrigues for the pos session of power at court and the overthrow of the rival party, but afterwards became a condition of intermittent warfare. The history of these intrigues can unfortunately be recovered only from detached fragments and notices in various writers, many of them of much

[11] *Cod. Just.* 1, 3, 26. Unless PP is to be changed to PU, the quarrel must have been about the prætorian prefecture, not the city prefecture, as stated by Leo and Kedrenos.

[12] This is how I should naturally have understood Ῥουσουμβλαδεώτου, and I am that Professor Ramsay (*Hist. Geogr. of Asia Minor*, p. 370 *note*) so understands it other writers translate it 'son of Rousoumbladeotos.'

[13] Cand. ap. Phot.; Eust. Epiph. ap. Evagr. 2, 25; Jo. Ant. *Fr.* 206. It can hardly have been Leontia who was betrothed to Patrick, as Tillemont thought, fo she was not born till after her father's accession in 457; besides a marriage with th younger daughter would not have had the same significance.

[14] Not to mention historical considerations, as Leontia was not born before 45 it is not at all likely that Ariadne was of sufficient age to be married in 459.

[15] Nestorian ap. Jo. Mal. p. 376. The *Paschal Chronicle*, though copying Joh Malala, gives his age as seventeen, but this is impossible on any showing, besid being inconsistent with John's context (ἦν δὲ παιδίον μικρόν). It is plain, therefor that the number in John's text is the right one.

[16] The fact that Zenon was not consul till 469 is in favour of placing the marriag as late as possible.

[17] Cand. ap. Phot. According to John Malala (p. 375) he was made *mag. in praesent* but Jo. Ant. 206, 1, and *Cod. Just.* 1, 3, 29, make it almost certain that he was *mag per orientem*. As Ardaburius held this office in 459 (Jo. Mal. p. 369), he was perhaps removed in favour of Zenon. From *Cod. Just.* 1, 3, 29, it appears that Zenon wa still *mag. per orientem* on 1 June 471. It would seem indeed from Jo. Ant. 208, tha Jordanes held that office in 470; ὕπατος is, however, sometimes equivalent to ἀρ ὑπάτων. It is possible that Zenon became *mag. in praesenti* during the short interv between the death of Aspar and the appointment of Theoderic, and was then su *ceeded in the east by Jordanes.*

later date, while for the chronology, as Marcellinus and the Paschal Chronicle have scarcely any mention of these events, we have to depend almost wholly upon Theophanes, who, writing history in annalistic form, was obliged to put each event under some year, whether he knew the date or not; hence, where he does not specially mention the year of the indiction, thereby showing that he obtained his information from some official source, his authority is worth next to nothing, and he must be used only for the order of the events, and even so with the greatest caution.

That Aspar would not quietly submit to the ascendency of Zenon was only to be expected; the first counter-move on his side was an attempt made by his son Ardaburius to gain the Isaurians for his own party and thus to leave the emperor more helpless than before;[18] but this plan was betrayed to Zenon by a certain Martin, and the general of the east was easily able to prevent its execution. Of the events of the next year or two we know nothing; but in 468 matters were brought to a climax by the great expedition against the Vandals. In this expedition no share was given to Aspar and his sons, but the command by sea was entrusted to Basiliskos,[19] the emperor's brother-in-law, and that by land to Marsus, an Isaurian, and Herakleios, son of Florus,[20] who, as he was afterwards murdered by the Goths, probably belonged rather to the Isaurian than to the Gothic faction. The expedition was ruined by the incapacity of Basiliskos, and it was said that he had been instigated by Aspar to betray the fleet under the promise of the empire.[21] Whether this really was so, or whether Leo made use of the opportunity to raise prejudice against Aspar, cannot now be determined; at any rate it is probable that it was at this time that the death of Aspar was resolved on. Not long after this a band of Isaurian pirates, who had been plundering the island of Rhodes, were brought to Constantinople by Zenon, where a riot followed,[22] for the Greeks hated the Isaurians even more than they did the Goths. This event seems to have been the first introduction of an Isaurian garrison into Constantinople, and was probably directed against Aspar. It was perhaps about the same time that Leo tried to lull the suspicions of the Alan by fulfilling his long-postponed promise of raising his son Patrick to the

[18] Cand. ap. Phot.

[19] Proc. *Bell. Vand.* 1, 6; Theoph. AM 5961, 5963.

[20] This Florus was probably the prefect and count of Egypt in 452 (Prisc. ap. Exagr. 2, 5).

[21] Idat. *Chron.*; Theod. Lect. 1, 25; Proc. *l.c.*; Theoph. AM 5961. The testimony of Idatius, who finished his chronicle in the very year of the expedition, is conclusive for the fact that the charge of treason was made against Aspar at the time, though he does not say that it was connected with Basiliskos. It is curious, however, that Priscus (ap. Theoph. *l.c.*), who wrote under Zenon, when there was every inducement to disparage Aspar, states positively that Basiliskos was bribed by Geiseric. From this we may perhaps infer that the charge against Aspar was without foundation.

[22] Jo. Ant. *Fr.* 206, 1.

rank of Caesar.[23] There is, however, no trustworthy date for this appointment; Victor of Tununa, whose authority is of the slightest, places it in 470, while Kedrenos puts it in 468, but apparently only from a misunderstanding of Theophanes, who mentions it retrospectively without date.[24] It may possibly have been much earlier, but, if so, we should have expected more notice of it in the authorities, as it would then have been of much more importance, whereas it is not at all improbable that the crafty Leo would fulfil his promise at a time when it could be of no real service to Aspar.

Shortly after the introduction of the Isaurians into Constantinople, and possibly in consequence of it, Anagast, master of the soldiers in Thrace, whose name shows him to have been a barbarian, revolted, and on being interrogated accused Ardaburius, the son of Aspar, probably not without truth, of instigating his rebellion, a charge which he supported by the production of letters from Ardaburius, which he sent to the emperor.[25] This event, as well as the coming of the Isaurians to Constantinople, is apparently placed by John of Antioch in the consulship of Jordanes, *i.e.* 470, but the passage is obscure, and, as the next event mentioned by him is definitely placed in 469, it is possible that ὕπατον τίμην is to be understood of an honorary, not an actual consulship. Not long after this the Goths under Theodemir, who were settled in Pannonia, perhaps taking advantage of Anagast's revolt, overran Macedonia and Thessaly, and were appeased only by the grant of settlements on the Thermaic Gulf.[26] It was perhaps in connexion with these disturbances that Zenon was sent to Thrace, where his soldiers, said to have been instigated by Aspar, made an attempt to murder him, and he with difficulty escaped to Sardica.[27] The doom of Aspar was now sealed; Herakleios and Marsus, who seem to have been still carrying on the war in Africa, were recalled, peace was made with Geiseric, and in 471 Aspar and Ardaburius were cut down in the palace.[28] Patrick the Caesar, though sorely wounded, is said to have recovered,[29] but he appears no more in history. Hermanric, Aspar's youngest son, was absent at the time, and so escaped. Ac-

[23] According to Zonaras it was the delay in fulfilling this promise which led to the scene with Aspar mentioned above; Leo the grammarian and Kedrenos, however, give a different reason, and they are supported by Candidus.

[24] Theoph. *l.c.* [25] Jo. Ant. *Fr.* 206, 2.

[26] Jo. Ant. *l.c.*; Jord. *Get.* 56. I identify the wars mentioned by these two authors, for I cannot think that Jordanes' statement that Widemir's departure took place in the reign of Glycerius is to be pressed; it is not likely that Widemir's departure, his arrival in the west, his death, and the buying off of his son all occurred during the fifteen months of Glycerius' reign. At the same time the account of Jordanes cannot be reconciled with an earlier date than 471, whereas John of Antioch seems, though in vague language, to place it in 469.

[27] Theoph. AM 5962.

[28] Prisc. ap. Evagr. 2, 16; Cand. ap. Phot.; Marcell. ann. 471.

[29] So Candidus; Priscus and Marcellinus say that he was killed.

cording to Theophanes he had been warned by Zenon, and it is further asserted that he took refuge in Isauria, that he married a daughter or granddaughter of Zenon,[30] and that he returned to Constantinople after the accession of the latter;[31] as in fact we find him afterwards serving under Zenon,[32] and even revealing a conspiracy to him,[33] it is not unlikely that these statements of Theophanes are true, especially as they are probably derived from Priscus. But the Gothic party in the empire did not disappear with the death of Aspar; Theoderic, son of Triarius, a Gothic chief in Thrace, whose aunt was Aspar's wife,[34] on hearing of the murder of his uncle, rose against the emperor,[35] while Ostrya, a commander of Gothic mercenaries in Constantinople, raised a tumult in the city,[36] and, being driven out, took refuge most probably with Theoderic. After the Goth had taken Arkadioupolis and ravaged the suburbs of Philippoi, Leo agreed to allow him 2,000 lbs. of gold yearly and to appoint him to Aspar's office of master of both services; he was also to be recognised as chief of the Goths, and the emperor was not to receive any deserters from among his followers; while Theoderic on his side was to be the ally of the emperor against all enemies except the Vandals.[37] This treaty was practically a compromise between the two factions; by it Constantinople and the east were secured to the Isaurians on condition that the European provinces were abandoned to the Goths.

In this position affairs remained till the death of Leo in February 474,[38] the only event mentioned by the authorities being an obscure conspiracy on the part of Jordanes the Vandal, master of the soldiers in the east.[39] Leo's young grandson, who succeeded him, immediately associated his father Zenon with him in the empire, and, as the young Leo died in November of the same year, the Isaurian chieftain remained sole emperor of the east. Now, we may suppose, the Isaurian garrison of Constantinople was greatly increased; certainly Isaurians of all kinds were summoned to court and appointed to high offices of state.[40] Conspicuous among these

[30] A daughter of Zenon's bastard son, according to the text of Theophanes, but this is hardly chronologically possible, and a bastard daughter of Zenon must, I think, be meant.

[31] Theoph. AM 5964.

[32] Jo. Ant. *Fr.* 214, 4.

[33] Damasc. (ap. Phot.) *Vit. Isid. Fr.* 290.

[34] Theoph. AM 5970. Under AM 5964 Theophanes' text has τῆς δὲ Ἀσπαρος γαμετῆς ἀδελφός, where we should probably read ἀδελφόπαις, as in the other passage.

[35] Malch. *Fr.* 2.

[36] Jo. Mal. p. 371; Theoph. AM 5964. These writers call him Ostrys, but he is no doubt the same as the Ostrya of Prisc. *Fr.* 39.

[37] Theophanes makes Theoderic attack Constantinople and be repulsed by Basiliskos and Zenon, but this is probably a confusion with the rising of Ostrya.

[38] Jo. Mal. p. 376.

[39] Jo. Ant. *Fr.* 208. As explained above (note 17), ὕπατος must be equivalent to ἀπὸ ὑπάτων, for Jordanes cannot have been *mag. per orientem* before 471.

[40] See especially Josh. Styl. 12, and cf. Anon. Vales. 40, *favens gentis suae.*

is the extraordinary figure of Illous, afterwards master of the offices, who for the next eight years enjoyed a power as great as or greater than that of the emperor himself, the two men standing towards each other not as Roman emperor and Roman magistrate, but as two Isaurian chiefs leagued together for the government of their Roman subjects. The hatred and contempt of the Romans for their Isaurian master knew no bounds. 'The officers of the palace,' says Joshua the Stylite, 'hated Zenon the emperor, because he was an Isaurian by race.'[41] Zonaras, who no doubt follows some contemporary writer, perhaps Eustace of Epiphaneia, describes him as follows:—

τὸν Ζήνωνα μὴ προσήκοντα τῇ βασιλείᾳ ἔκρινεν (ὁ Λέων), ὅτι μήτε τὴν γνώμην εἶχε βασιλικὴν, μήτε μὴν εἶδος ἄξιον τυραννίδος· ἀλλὰ καὶ τὴν ὄψιν ἦν εἰδεχθέστατος καὶ τὴν ψυχὴν εἶχε τῆς ὄψεως χείρονα . . . ἦν δὲ ὁ Ζήνων ἐξ ἔθνους αἰσχίστου τοῦ τῶν Ἰσαύρων, αἴσχιστος καὶ αὐτὸς καὶ τὴν μορφὴν καὶ τὴν ψυχὴν γεγονώς, καὶ οὐχ ὡς βασιλεὺς τὴν ἀρχὴν ἀνύων ἀλλ' ὡς ἄντικρυς τύραννος.[42]

By Evagrius also, who certainly follows Eustace, his character is painted in the blackest colours,[43] and he is also by more than one writer taunted with the most abject cowardice.[44] But all these assertions must be taken for what they are worth; the Romans had now become the subjects of the robbers of Isauria, whom for more than five hundred years they had in vain tried to conquer, and their wounded pride found vent in heaping insults on the emperor whom they could not overthrow. Immediately after the accession of Zenon the Goths rose in rebellion[45] and seized Herakleios, who was now master of the soldiers in Thrace.[46] Zenon collected a ransom from the kinsmen of the general and paid it to the Goths, who took the money but immediately killed their prisoner; their ravages however were checked by Illous. But a determined and, for a time, successful effort was now made to throw off the Isaurian yoke. A court intrigue, headed by Verina, the widow of Leo, and her brother Basiliskos, was formed against the emperor:[47] Illous and his brother Trokoundes were persuaded, apparently by large promises on the part of Basiliskos, to join the plot;[48] Zenon was induced by means of a trick on the part of Verina to leave Con-

[41] Josh. Styl. *l.c.*

[42] Zon. 14, 1–2; cf. Leo Gramm. 117.

[43] Evagr. 3, 1.

[44] Malch. *Fr.* 16; Jo. Lyd. *De Mag.* 3, 45; Evagr. 3, 3; Zon. 14, 2; cf. Damasc. (ap. Phot.) *Vit. Isid. Fr.* 169.

[45] Malch. *Fr.* 4; Jo. Ant. *Fr.* 210.

[46] John of Antioch says that Theoderic held this office, but according to Malchos he was made *mag. in praesenti.*

[47] Malch. ap. Phot.; Cand. ap. Phot.; Josh. Styl. *l.c.*; Zach. Myt. 5, 1 (Land, Anecd. Syr., iii.); Theod. Lect. 1, 28 ff.; Marcell. ann. 475, 476; Jo. Ant. *Fr.* 210; Proc. *Bell. Vand.* 1, 7; Jord. *Rom.* 341 ff.; Anon. Vales. 41–43; Evagr., 3, 3–8.

[48] John of Antioch makes Illous the chief instigator of the conspiracy, but this is scarcely credible, and is not borne out by the other authorities.

stantinople, which he did on 9 Jan. 475,[49] and the conspirators, supported by the people and favoured by the Goths, remained in possession of the city, where all the Isaurians who could be found were massacred by the mob. Verina and Illous intended to set up Patrick, master or ex-master of the offices, as emperor; but this was overruled by the imperial magistrates in the conspiracy, and Basiliskos was raised to the throne. But the exiled Zenon was in a different position from any other deposed emperor, for, though he had ceased to be emperor of the Romans, he still remained an Isaurian chief, and in his native mountains, whither he had fled, might defy any force that Basiliskos could bring against him. The latter, thinking perhaps that a successful campaign in Isauria could be conducted only by Isaurians, entrusted the command to the dangerous hands of Illous and Trokoundes, but, as he did not pay them what he had promised, these Isaurians went over to the side of Zenon, who thus became strong enough to advance on Constantinople. Either during this short campaign or more probably in Constantinople at the time of the emperor's flight, Illous seems to have got possession of Zenon's brother Longinus, whom he kept as a prisoner in an Isaurian castle for ten years,[50] and it may be conjectured that it was to this fact that he owed the extraordinary influence which he exercised over the emperor. Meanwhile, in Constantinople the people were not at all disinclined to receive Zenon, for the orthodox Kalchedonians, headed by Acacius the bishop, had been roused to fury against Basiliskos by the publication of his 'Encyclical,' in which he anathematised the synod of Kalchedon,[51] and, theological animosities prevailing over all other considerations, they preferred even Zenon the Isaurian to Basiliskos the Monophysite. Hence, when Armatius, the nephew of Basiliskos, who was sent to oppose the advance of the Isaurians, had been induced, by the promise of the mastership of the soldiers for himself for life, and the rank of Caesar

[49] This date, which is given by John of Antioch, is in accord with Malch. 10 (the elevation of Odovacar took place 23 Aug. 476 [Fast. Cuspin.]), with Marc. ann. 476, and with the twenty months of Procopius, as compared with the statement of John Malala (p. 379) that Zenon's restoration was in the fourteenth year of the indiction, *i.e.* before 1 Sept. 476. It cannot, therefore, be upset by the corrupt dates in the *Code*, especially as *Cod. Just.* 5, 5, 8, is suspicious on other grounds, since Epinikos was certainly prefect in 478.

[50] Marcellinus says that Longinus gained his freedom in 485, after a captivity of ten years; it has been commonly supposed that the number is wrong, but it agrees very well with the time of the war with Basiliskos, and it explains the strange ascendency of Illous, and the fact that Longinus was not consul till 486. That he was in the power of Illous in 479 perhaps appears from Jo. Mal. p. 385. Mr. Bury thinks that Illous did not get possession of Longinus till his revolt in 483–4, and says that there is authority for supposing Longinus to have commanded against Illous. The authority is Kodinos. According to Theophanes (AM 5975) Illous had possession of Zenon's mother also.

[51] Zach. Myt. 5, 2.

for his son, to go over to Zenon, the cause of the usurper was lost, and Zenon entered Constantinople without opposition at the end of August 476 after an exile of nearly twenty months. Basiliskos was sent to Cappadocia and there beheaded.[52] The promise to Armatius was literally kept, but he was immediately afterwards assassinated and his son degraded.[53] But the real ruler of the empire was now Illous, who was perhaps at this time made master of the offices.[54] His extraordinary influence with the emperor earned for him the implacable hatred of Verina and her daughter the Empress Ariadne, who three times tried without success to procure his assassination. In the summer of 477[55] one of the emperor's slaves was sent to assassinate him, and, failing, was at once surrendered to Illous by Zenon. In the following year another attempt was made, the would-be assassin in this case being an Alan, who on being interrogated confessed that he had been sent by Epinikos the prefect, a creature of Verina. Zenon immediately deposed the prefect from his office[56] and gave him up to Illous, who sent him to one of his castles in Isauria. Illous then asked leave of absence on the ground of the death of his brother Aspalius,[57] and, going himself to Isauria, conferred with his prisoner, who admitted that Verina was at the bottom of the plot. Shortly afterwards, when Zenon required his presence in Constantinople,[58] he refused to enter the city, unless the empress were delivered over to him, a request which the emperor, who had crossed the straits to meet him, immediately granted. Verina was then given into the charge of Illous' brother-in-law, Matronian, who took her to

[52] This is the plain statement of Malchos (in Photius' *Epitome*), τὴν Βασιλίσκου διὰ ξίφους ἀναίρεσιν; of Candidus, ἀποσφάζεται; and of Evagrius (who, as usual, no doubt copies Eustace), ἀποσφάττεται (3, 8) (cf. also Theoph. AM 5969); and is to be preferred to the horrible story related by Marcellinus and the later writers; this story is not necessarily implied by Theodore.

[53] Malch. ap. Phot.; Proc. *l.c.*; Evagr. 3, 24. He is perhaps the τινες of Jo. Ant. 211, 1 *ad init.*

[54] If the words of John Malala (p. 386), ἐγένετο συγκλητικὸς καὶ ὕπατος καὶ μάγιστρος καὶ πατρίκιος διοικῶν τὴν πᾶσαν πολιτείαν, are to be taken literally, he was not made *mag. off.* till after his return in 479; but the statement cannot be literally accurate, as he was consul in 478, and is probably to be understood retrospectively.

[55] Malch. ap. Phot.; Jo. Ant. *Fr.* 211, 1; οὔπω τοῦ πρώτου διαγενομένου ἐνιαυτοῦ ἐκ τῆς ἐπανόδου Ζήνωνος.

[56] Jo. Ant. *Fr.* 211, 2. This was probably later than 1 Sept., for *Cod. Just.* 5, 5, 8, addressed to Epinikos, should, I think, be transferred to 478, since Basiliskos was reigning in 475. At any rate it was later than 1 March, for Sebastian was then prefect (*Cod. Just.* 5, 9, 7; 8, 53, 31), and had been since Feb. 477 (*Cod. Just.* 5, 27, 5; 8, 4, 9; 1, 2, 16; 1, 23, 7).

[57] Mr. Bury, confusing this retirement of Illous with that in 481–2, imagines a contradiction, which does not exist, between John of Antioch and Theophanes (rather John Malala) as to the reason alleged by him. John Malala (p. 386) on this occasion says that Zenon sent him to fetch Longinus; he also states, what is plainly false, that he brought Longinus back with him.

[58] Because of an earthquake, according to a defective passage in John of Antioch, but we may guess that the Gothic outbreak had something to do with it.

Tarsos, where she was forced to become a nun, after which she was kept in custody at Dalisandos.[59] Epinikos was then recalled on the intercession of Illous, and Pamprepius, a philosopher and magician in the following of the latter, was made quaestor.[60] The adhesion of Illous was, in fact, just now particularly required, for about the same time as the attempt upon his life, a more than ordinarily dangerous attack was made by the Goths,[61] who were also in constant communication with the Gothic faction at Constantinople.[62] The two Theoderics, who had hitherto acted as a check on one another, now united and ravaged Thrace and Illyricum without opposition. Zenon had announced his intention of taking command in person, but afterwards changed his mind, whereupon the army dispersed. Accordingly Malchos represents him as a coward, but cowardice is a strange charge to bring against an Isaurian, and the reason for his action seems to have been that, if he had withdrawn the Isaurians from Constantinople, the city would, especially considering the doubtful attitude of Illous, have risen in rebellion behind him, while without his Isaurians his life in the army would not have been safe for a day. We can hardly doubt that he had the natural courage of a barbarian,[63] but he probably lacked the power of making up his mind in an emergency. The indignation against him was, however, so great that during an assault upon the city of Thessalonike the citizens threw down his statues and transferred the keys of the city from the prefect to the bishop.[64]

The depredations of the son of Theodemir were at last checked by Sabinian, master of the soldiers in Illyricum, whom Marcellinus calls 'the great,'[65] though the war smouldered in Epirus[66] until Theoderic's great outbreak in 482 after Sabinian's death. The son of Triarius was for the time bought off,[67] but it was not long before an event occurred which brought him again into the field. For the banishment of Verina gave occasion for a second attempt to throw off the Isaurian rule. Marcian,[68] son of the western Emperor

[59] Eust. Epiph. ap. Evagr. 3, 27; Jo. Ant. *l.c.* [60] Jo. Ant. *Fr.* 211, 3.
[61] Malch. *Fr.* 14–16; Jo. Ant. *Fr.* 211, 4.
[62] Malch. *Fr.* 11. This conspiracy was perhaps in 477.
[63] The Anon. Vales. (39) calls him *exercitus in arma.*
[64] Malch. *Fr.* 18.
[65] Marcell. ann. 479.
[66] Jo. Ant. *Fr.* 211, 4 *ad fin.* [67] Malch. *Fr.* 17; Jo. Ant. *Fr.* 211, 2.
[68] Malch. *Fr.* 19; Cand. ap. Phot.; Eust. Epiph. ap. Evagr. 3, 25; Jo. Ant. *Fr.* 211, 3, 4; Theod. Lect. 1, 37; Theoph. AM 5971. The exact chronological order of these events is not quite clear. The second attempt on the life of Illous was in 478 (Jo. Ant. *Fr.* 211, 1), while the rebellion of Marcian was at the end of 479. The defeat of the son of Theodemir by Sabinian was in 479 (Marc.), while at the time of the peace with the son of Triarius, which was before the campaign in Epirus (Malch. 18), Verina had not been banished (*id.* 17). As the rebellion of Marcian seems to have followed closely upon the banishment of the empress, the latter event was probably not before summer 479. The absence of Illous will then have continued till

Anthemius, grandson of the Emperor Marcian, and like Zenon son-in-law of Leo, with the cry of vengeance for Verina raised a rebellion in Constantinople and claimed the empire for himself on the curious ground that his wife Leontia was born in the purple, while at the time of the birth of Ariadne Leo was but a simple tribune of the soldiers. Surrounded by a force of barbarians and assisted by the citizens, who hurled down missiles from the roofs of the houses upon the emperor's troops, he easily made himself master of the city, but postponed the attack upon the palace till the next day. This gave time to Illous to bring over a force of Isaurians from Kalchedon during the night, and on the following day, partly by bribes, partly by force, he succeeded in putting down the insurrection, though his own house was burnt by the mob during the fighting. Marcian was forced to become a presbyter and sent to Kaisareia in Cappadocia, while his brother Procopius and another leader in the revolt named Bousalbos escaped to the camp of Theoderic.[69] Shortly afterwards, Marcian escaped from his confinement at Kaisareia, and at the head of a rustic force made an attack upon Ankyra, from which he was repulsed by Trokoundes. Zenon, however, with extraordinary clemency still refrained from taking his life, but he was closely imprisoned in Isauria,[70] where he was still living four years afterwards.[71] It is curious to find the Isaurians taking the opportunity of these disturbances to sack two towns in Cilicia; the mountaineers were evidently not inclined to give up their plundering habits, even when their countryman was on the throne of the empire, and indeed they could live in no other way. The son of Triarius, who was in league with Marcian, arrived before Constantinople too late to support the insurrection, but he expected to get possession of the city without difficulty, 'for he thought,' says Malchos, 'that no one

that time. As he was originally intended to take command against the Goths, while we afterwards find Martinian in command, it is most likely that his departure took place in the meantime, perhaps summer 478. The treaty with Theoderic was, according to John of Antioch (*Fr.* 211, 2), made about the same time, but this is probably rather too early. John's synchronisms are not always exact; thus he places the capture of Dyrrhachion by the son of Theodemir at about the same time as the defeat of Marcian, but clearly it was earlier, for Marcian's revolt was, according to John's own account, at the end of 479, while the victory of Sabinian, which must have been some time after the capture of Dyrrhachion, was also according to Marcellinus in 479.

[69] Theodore the Reader adds another brother Romulus.

[70] At Tarsos, in Cilicia, according to Eustace, whose account of these events is slightly different from that of John of Antioch. I follow John, though a later writer, because his detailed account seems to show an accurate acquaintance with the facts, and because Eustace exists only in the epitome of Evagrius.

[71] At a later time Zenon was troubled by a certain Theosebius, who pretended to be Procopius ὁ Μαρκιανοῦ (Jo. Ant. *Fr.* 212), by which the brother of Marcian is probably indicated. Against the natural rendering 'son of Marcian,' we have to set the statement of John Malala (p. 375) that Marcian had only daughters; on the other hand, as no date is given, there is no serious chronological difficulty in supposing a son of *Marcian* to be meant.

would defend mere walls against him, since there was no bulwark or tower standing, and that, when he entered the city, all the people would join him out of hatred to the Isaurians.' And in fact a party in Constantinople seems still to have been in collusion with him, for Dionysios, the prætorian prefect,[72] Epinikos, the notorious accomplice of Verina, and Thraustila, a barbarian general, were about this time found to be conspiring against the emperor and executed. However the Gothic chief was disappointed in his expectation of taking the city, for he found the walls strongly guarded by Isaurian troops; so, pretending that he had come to help Zenon, he accepted the emperor's gifts and promises and went away without fighting.[73] He refused, however, to deliver up Procopius and Bousalbos, and, perhaps on this excuse, the office of master of one service, which had been conferred on him at the previous treaty, was, as soon as he was safely away, transferred to the Isaurian Trokoundes, who had previously been count of Isauria. He therefore still continued his ravages, and a year or two later again attacked Constantinople;[74] but, finding it impossible to take the city, owing to the precautions taken by Illous, he retired to Thrace, where he was accidentally killed by falling against a spear. As a few years afterwards his son Rekitach was murdered by the son of Theodemir,[75] the Goths were united under one leader, and the policy of playing off one chief against the other was at an end. It is, therefore, somewhat strange to find it stated that the murder was instigated by the emperor, but Illous was then in revolt and Zenon wished to make use of the Goths against him.

For, after the defeat of Marcian, the Isaurian rule was so strongly planted that it was able to survive even a civil war among the conquerors themselves. The Empress Ariadne[76] wished to obtain the recall of her mother Verina, but when she begged the emperor to grant it, he only answered, 'Ask the patrician Illous for her;' so she sent for Illous and with tears begged him to set Verina free. But he said, 'Why do you ask for her? Is it in order that she may again make another king in opposition to your husband?' Then Ariadne went back to Zenon with the ultimatum, 'Is Illous to be in the palace or I?' to which the emperor answered, 'If you can do anything, do it; I prefer you.' This ambiguous answer was naturally followed by a third attempt on the life of the patrician.

[72] The name of this prefect does not occur in the *Code*; if the dates are right, his prefecture must be inserted between 9 Oct. 479, and 1 May, 480 (*Cod. Just.* 1, 49, 1; 6, 23, 22).

[73] Mr. Hodgkin (iii. 119, note) has confused this attack on Constantinople with that of 481; the earlier one is not mentioned by Marcellinus.

[74] Jo. Ant. *Fr.* 211, 4, 5; Marcell. ann. 481; Evagr. 3, 25.

[75] Jo. Ant. *Fr.* 214, 3. The date seems to have been 484.

[76] Jo. Mal. p. 387; Theoph. AM 5972. The conversation seems to be genuine, but how did John's authority get his information? I can only conjecture that it came through Ariadne's eunuchs or slave women.

During some games in the circus [77] a scholarian named Sporacius struck a blow at the head of Illous with his sword, and the attempt was more nearly successful than either of the preceding ones, for the assassin actually succeeded in cutting off his ear. Sporacius was put to death, and the emperor took a solemn oath that he knew nothing of the matter; but it was, of course, hopeless to ask for the surrender of Ariadne,[78] so Illous begged for leave of absence, on the ground of requiring change of air, owing to his wound. This Zenon at once granted, at the same time appointing him master of the soldiers in the east in place of his former post of master of the offices. Illous then left Constantinople and took up his residence at Antioch. The date of his departure may be gathered from the story told by Liberatus to the effect that John Talaia, who had been elected by the Kalchedonians to succeed Timothy Salofaciolus in the see of Alexandria, sent a magistrian to announce his election to Illous, but the messenger on arriving at Constantinople found that Illous had gone to Antioch:[79] the death of Timothy is fixed by a letter of pope Simplicius to the winter or spring of 482.[80] With this agrees the statement of John Malala that Illous remained two years at Antioch,[81] for his open revolt is placed by Marcellinus and the chronicle of Edessa[82] in 484, and this date is confirmed by John of Antioch and Theophanes.[83] He was certainly in Constantinople in 481, for he defended the city against Theoderic; the consulship of his brother Trokoundes in 482 cannot perhaps be adduced to show that he was then still living at the court, for Zenon carefully avoided an open rupture for some time after his departure. That event may however be fixed with a fair degree of precision to the winter of 481–2; for the winter which he spent at Nikaia with Pamprepius, as related by Souidas,[84] was probably the winter of 479, or perhaps 480, not that of 481.

That a war between the emperor and his powerful minister was now imminent was a fact plain to all; certainly it was so to Illous himself, who had taken with him a large body of supporters,[85] the most prominent of whom were Matronian, his brother-in-law, Marsus, the Isaurian general who had commanded against the Vandals in 468, Pamprepius the quaestor, and an Isaurian ex-

[77] Eust. Epiph. ap. Evagr. 3, 27; Josh. Styl. 13; Jo. Mal. *l.c.*; Theoph. *l.c.*

[78] Jordanes (*Rom.* 349 ff.) has an extraordinary story that Zenon was instigated by Illous to kill Ariadne, and, the attempt failing, Zenon and Ariadne were reconciled and tried to kill Illous. Illous then went to the east and rebelled. I can only regard this as a blunder; we might think it a Gothic version intended to disparage the Isaurians, but Jordanes is not otherwise unfavourable to Zenon.

[79] Liber. 17.

[80] Simpl. *Ep.* 17.

[81] Jo. Mal. ap. Mommsen, *Hermes*, vi. 371.

[82] *Chron. Edess.* ap. *Assemanum, Bibl. Orient.* i. 405.

[83] Jo. Ant. *Fr.* 214, 4; Theoph. AM 5976.

[84] Souidas, s.v. Παμπρέπιος.

[85] Eust. Epiph. ap. Evagr. 3, 27; Jo. Mal. *l.c.*

prefect named Kouttoules, whom, considering the great similarity of Isaurian names, we must not identify with Indakos Kottounes, the brother-in-law of Trokoundes; this Indakos, as well as Trokoundes himself, was afterwards in the company of Illous, but does not seem to have been among those who followed him from Constantinople. Eustace and John Malala add the name of Leontius, but I shall presently show reason for thinking that it was at a later stage that Leontius appeared upon the scene. The emperor, on the other hand, was not at all ready for a war with Illous; for Theoderic, freed from his confinement in Epirus by the assassination of Sabinian, which Zenon out of jealousy had procured, was again ravaging Macedonia and Thessaly.[85] This fact, added to his fears for his brother, and perhaps a genuine disinclination for a war with Illous, probably induced Zenon to stave off the conflict by all the means in his power; he even added to the functions of Illous as master of the soldiers in the east the dangerous right of appointing dukes,[87] which was generally reserved to the emperor. But in the following year he succeeded in buying off the Gothic king by gifts of money and lands in Dacia and Moesia, the office of master of the soldiers, and the promise of the consulship for the next year,[88] probably not without an understanding that he should serve against Illous if required. If this was the case, the murder of Rekitach would be a necessary preliminary insisted upon by the Goth, for he could not go to the east and leave his rival in undisputed possession of the provinces of Europe. As Illous did not cease his preparations for war, but did his best to secure popularity by erecting public buildings and performing other services for the citizens of Antioch,[89] Zenon now took the first step against him by demanding the surrender of his brother,[90] and on his refusal, for, as the return of Longinus is placed by Marcellinus in 485, I assume that he did refuse,[91] appointed John the Scythian[92] to succeed him in his office of master of the soldiers in the east. At the same time he made speeches against Illous to the people of Constantinople, expelled his friends from the city, and confiscated their property; but, probably in order to avoid turning him into a national leader of the Isaurians, he adopted the ingenious plan of bestowing the confiscated property upon the Isaurian cities. These proceedings were

[85] Jo. Ant. *Fr.* 213; Marcell. ann. 481, 482.

[87] Theoph. AM 5972. Cf. Jo. Mal. p. 388.

[88] Marcell. ann. 483.

[89] Jo. Mal. ap. Mommsen, *Hermes*, vi. 371.

[90] Jo. Ant. *Fr.* 214, 1.

[91] The compound ἐξαιτούμενος in the middle voice followed by the infinitive (see Eur. *Hec.* 49) cannot in such late Greek be pressed as implying that the request was granted, and it may be balanced by the tense.

[92] ἀποστείλας according to John of Antioch, but it does not appear that he actually started before the expedition mentioned in 214, 4. Both Mr. Hodgkin and Mr. Bury call this man John the Goth, but there is nothing to show that he was a Goth. Σκύθης is quite indefinite.

accepted by Illous as a declaration of war, and he at once began to prepare more vigorously than before for the coming struggle. Leaving Antioch,[93] he went to Isauria to raise forces among his countrymen, perhaps also with some idea of counteracting the measures of the emperor; at the same time he sent envoys[94] to the king of Persia, the satraps of Roman Armenia, and Odovacar the king of Italy, as in default of any other title I am obliged to call him,[95] asking for aid against the emperor. The Persians and Armenians are said to have consented, and Odovacar to have refused; but oddly enough, though the Armenians were in active communication with Illous,[96] no help is stated to have come from Persia, while three years later we actually find Odovacar preparing to send assistance. With regard to the Persians, however, this is easily explained by the fact that in January 484 they were utterly defeated by the Ephthalites,[97] and their king Piroz slain.[98] The same fact makes it practically certain that the embassy from Illous is to be placed in 483 before his open rebellion, for to ask assistance from the Persians in 484 would have been useless, a consideration which induces me to place these embassies before the proclamation of Marcian, in spite of the order of John of Antioch, which, as I have before had occasion to notice, is not always strictly chronological. But, as it was unlikely that Illous would be able to rally all the Isaurians to his standard against the Isaurian emperor, and he wished to be something more than a captain of robbers, it was necessary for him to choose a rival emperor; 'for alone,' says Joshua the Stylite, 'he could not rebel nor make himself emperor, because the Romans hated him too on account of his race, and on account of his hardness of heart.'[99] His first choice fell upon Marcian,[100] but perhaps Marcian had had enough of rebellions, perhaps he was too proud to become the puppet of the Isaurian adventurer; at any rate this plan was soon given up, and Illous determined to make use of a more fitting instrument, which was at this time thrown into his hands by the action of the emperor. Joshua tells us that Zenon sent envoys to

[93] Jo. Mal. p. 388.

[94] Josh. Styl. 14; Jo. Ant. *Fr.* 214, 2; cf. Proc. *De Aedif.* 1.

[95] Cf. Vict. Vit. 1, 3, *Odoacri regi Italiae.*

[96] Proc. *l.c.* This passage shows that it is the Roman, not the Persian Armenians who are meant; the latter were in fact in rebellion against Persia at this time, and were not in a position to give help to anybody.

[97] The Persians promised help, ἐπειδάν τις πρὸς αὐτοὺς ἥξει. The news of their defeat probably prevented Illous from making any serious attempt to effect a junction with them.

[98] Laz. Pharp. 70 ff.; Jo. Ant. *Fr.* 214, 9 (*Fragmenta Historicorum Graecorum*, vol. v.); Proc. *Bell. Pers.* 1, 4. The date is fixed by an eclipse: see Nöldeke's *El Tabari*, p. 425. The short account in John of Antioch is, I think, retrospective, and it is the accession of Kawat, which he rightly places in 487-8, not the death of Piroz, but his expressions are, as usual in matters of chronology, very loose.

[99] Josh. Styl. 14. [100] Jo. Ant. *Fr.* 214, 2.

Illous to induce him, if possible, to return to Constantinople, and, not succeeding in this, sent a certain Leontius (a native of Dalisandos[101] according to John of Antioch, and therefore not differing much from an Isaurian) with orders to bring him by force and in case of resistance to kill him. Illous, however, gained over the general by means of bribes, and the ultimate result was the proclamation of Leontius as emperor.[102] This version is corroborated by Jordanes.[103] Eustace of Epiphaneia on the other hand, a contemporary like Joshua, makes Leontius one of the original companions of Illous,[104] and the same account is given by John Malala.[105] Theophanes may be neglected, as there can be no doubt that he copies John Malala. John of Antioch being neutral, we have therefore a conflict of testimony between Joshua and Jordanes on one side, and Eustace and John Malala on the other. Now Jordanes is beyond doubt independent of Joshua,[106] whereas John Malala was certainly acquainted with Eustace,[107] and probably used him in this portion of his history as his principal authority;[108] it is most likely therefore that the authority for the second version is to be reduced to Eustace alone. On the other hand the account of Joshua is to some extent supported by the testimony of the African Liberatus, who, however, makes Leontius the rebel, and Illous the general sent against him.[109]

I have, therefore, little hesitation in deciding in favour of the Stylite, at least as to the fact that Leontius was sent by the emperor, though I should be inclined to reject his statement that Leontius came as a general at the head of an army, a detail upon which the hermit of Edessa would not be likely to have the best information, and scarcely consistent with the description of Leontius in John of Antioch. This assertion is indeed in some degree supported by Theophanes, who makes Leontius master of the soldiers in Thrace,[110] but this statement

[101] Πόλις Ἰσαυρική, according to Capito the Lycian (ap. Steph. Byz. s.v.), but it follows from Josh. Styl. *l.c.* that he was not an Isaurian in the same sense as Illous. See Ramsay, *Hist. Geogr. of Asia Minor*, pp. 379, 395. There were two Dalisandoi (*id.* p. 366).

[102] Josh. Styl. *l.c.*

[103] Jord. *Rom.* 352.

[104] Eust. Epiph. ap. Evagr. 3, 27.

[105] Jo. Mal. p. 388; *id.* ap. Mommsen, *Hermes*, vi. 371.

[106] There is, however, a most extraordinary connexion between the two, which it would be interesting to investigate further (cp. Josh. Styl. 13 *ad init.* with Jord. *Rom.* 352 *ad fin.* and Josh. Styl. 23 [p. 18, l. 19, Wright], with Jord. *Rom.* 355 *ad fin.*). A use of Joshua by Jordanes is of course out of the question, and a use of a common authority is equally so, as Joshua plainly writes his own recollections

[107] See Jo. Mal. p. 399, and the preface in the old Slavonic translation (*Hermes*, xv. 235).

[108] See an article by Jeep in the *Rheinisches Museum*, 1882, 427 ff.

[109] Liber. 17. Mr. Bury here strangely throws over all the other authorities in favour of this blundering statement of Liberatus. Tillemont, to whom he refers, has great misgivings on the subject, and was besides not acquainted with Joshua.

[110] Theoph. AM 5972.

of Theophanes appears to be contradicted by John Malala, who, while assigning offices to the other companions of Illous, gives none to Leontius, and by John of Antioch, who simply describes him as γονέων τε ἀφανῶν καὶ πόλεως Δαλισάνδου. I therefore conclude that Theophanes has made some mistake, and I am inclined to combine the account of Joshua with that of John of Antioch,[111] and to suppose that the military force which accompanied Leontius was the force of Isaurians under Konon the son of Fuscian, the militant bishop of Apameia,[112] and Linges, the bastard brother of Illous, mentioned by the latter writer.[113] It was only natural that Zenon should send Isaurians to carry on a campaign in Isauria, and Isaurian troops could be commanded only by Isaurian leaders; Leontius therefore would have no control over the soldiers, but would accompany them only in the character of an envoy and would not lead them to follow him in his revolt. In order to give some semblance of legality to the elevation of his emperor of straw, Illous now chose the strangest of allies, the Empress Verina herself.[114] This turbulent woman was actually not unwilling to become his tool; in her desire to avenge herself upon her Isaurian son-in-law, who had handed her over to the mercies of Illous, she was ready to ally herself with Illous himself, whose life she had twice attempted; and this although it was his refusal to release her from imprisonment which had been the original cause of his quarrel with the emperor. She had previously been removed from Dalisandos to a well-known robber-fortress in Isauria called the castle of Papirius;[115] from this castle she was now brought out and taken to Tarsos, where she crowned Leontius emperor and in her own name sent a proclamation to the people of Antioch and to the provincial governors of the east and Egypt, announcing his accession.[116] The proclamation of Verina is so important and instructive a document that it will be well to give it in full; it ran as follows:[117]

We, Aelia Verina, the ever august, to our magistrates and to our Christ-loving peoples greeting: know that since the death of Leo of divine memory the empire is ours, and that we appointed Tarasikodissa emperor, who was afterwards called Zenon, in order to further the interests of our subjects and the whole military administration. But, seeing that the

[111] Jo. Ant. *Fr.* 214, 2.

[112] The name of his see is given by Evagrius (3, 35), and by John Malala (p. 393).

[113] For Linges see also Souidas, s.v. βίαιοι.

[114] Theod. Lect. 2, 3; Jo. Ant. *l.c.*

[115] Theod. Lect. 1, 37; Eust. Epiph. ap. Evagr. 3, 27. For the history of this castle see Jo. Ant. *Fr.* 206, 2. According to Theodore (1, 37) Marcian also was confined there.

[116] Jo. Mal. ap. Mommsen, *Hermes*, vi. 371; Theoph. AM. 5974.

[117] I have combined the versions of John and Theophanes into the most likely form; the original would probably be in Latin, hence the baldness of the Greek.

commonwealth and our subjects are being ruined by his avarice, we have thought it necessary to crown for you a Christian emperor, distinguished for piety and justice, that he may preserve the Roman commonwealth, carry on war without distraction (ἡσύχως), and protect all our subjects in accordance with the laws. So we have crowned the most pious Leontius, who will bestow forethought upon all of you.

The pointed references to the piety of Leontius contain an obvious allusion to the 'Henotikon,' issued by Zenon two years before,[118] by means of which he proposed to include the Monophysites within the pale of the church, probably in order to avoid driving them on to the side of Illous. Of course Illous cared nothing for the synod of Kalchedon, in fact the patron of Pamprepius was not without reason suspected of being a heathen; but the proclamation was a bid for the support of the fanatical Kalchedonians against the author of the 'Henotikon.' Whether any considerable number of adherents were thus gained, we cannot say, but that Zenon was afraid of the Kalchedonians seems probable from the statement of Theodore that during the troubles with Illous he made no attempt to force the 'Henotikon' on the bishops.[119] That the Kalchedonians were at any rate accused of taking the side of Illous we learn from the fact that Kalandion, bishop of Antioch, who was certainly on good terms with Illous, was afterwards deprived on this charge.[120] Illous too had already some personal connexion with the Kalchedonian faction through John Talaia, the Kalchedonian anti-bishop of Alexandria, who according to Liberatus had won his favour by many costly gifts, when sent by his predecessor Timothy on an embassy to Constantinople.[121]

When the proclamation was read out at Antioch, the people received it with the cries, 'Great is God,' and 'Lord, have mercy; give us what is good and beneficial.'[122] Theophanes assures us that they accepted it with approval,[123] otherwise we might have supposed that these words, preserved by John Malala, were meant as a token of dissent. After this Leontius went himself to Antioch, which he entered 27 June 484.[124] No opposition to his elevation is recorded except at Chalkis, where the people refused to receive his busts, thus necessitating his presence in the city for a month and a half,[125] and at Edessa, where Matronian, who appeared before the town with 500 horsemen, found the gates closed against him and was unable to effect an entrance.[126] The adhesion of Leontius and Verina had extended the rebellion over all the diocese of the east, and the Isaurians under Konon and Linges, who were sufficient for a moun-

[118] Zach. Myt. 5, 7–8 (Evagr. 3, 13–14); Liber. 17; Vict. Tun. ann. 482.
[119] Theod. Lect. 2, 1.
[120] Zach. Myt. 5, 9 (Evagr. 3, 16); Liber. 18.
[121] Liber. 16.
[122] Jo. Mal. ap. Mommsen, *Hermes*, vi. 372.
[123] Theoph. *l.c.*
[124] Theod. Lect. 2, 3; Jo. Ant. *Fr.* 214, 2; Jo. Mal. p. 383; Theoph. AM 5976.
[125] Jo. Mal. ap. Mommsen, *Hermes*, vi. 372.
[126] Josh. Styl. 16.

tain-campaign in Isauria, were no longer of any service against the insurgents. A larger force of imperial troops under the command of Theoderic and John the Scythian was therefore sent to the scene of action;[127] another Isaurian general named Kottais is mentioned by Theophanes as taking part in the war,[128] but whether he came now or at some later time there is nothing to show. These were opposed[129] by Artemidoros, a body-guardsman of Trokoundes, and Papimos, the commander of the cavalry under Illous. In the battle which followed the emperor's troops gained a complete victory, and Illous summoned Leontius and Verina[130] to join him at once in Isauria, where they shut themselves up in the castle of Cherris, which seems to have been the same as that of Papirius.[131] This was probably in the autumn of 484. All chance of a general rebellion against the emperor was now at an end, and the war had been reduced to a revolt of a few Isaurian robber-tribes; accordingly the emperor, fearing perhaps that the presence of the Gothic king might have a bad effect on the Isaurians on his own side and bring about a national revolt under the leadership of Illous, recalled Theoderic and his Goths,[132] and sent some Rugians under Hermanric, the son of Aspar, to take their place. John of Antioch indeed makes Zenon recall Theoderic when he had only got as far as Nikomedeia, but according to his own account the Goths served in Isauria,[133] and it is very unlikely that they would do so after the recall of their king. Theophanes distinctly states that Theoderic took part in the campaign,[134] and from the epitome in Evagrius it is probable that Eustace gave the same account.[135] On the other hand, as there is no mention of it in the Panegyric of Ennodius, we must suppose that, perhaps owing to a division of forces, Theoderic was not present in the battle. After his recall his office of master of both services was transferred to an Isaurian named Kottomenes and another Isaurian, Longinus of Kardama,[136] was made master of the offices.[137]

[127] Eust. Epiph. ap. Evagr. 3, 27; Josh. Styl. 15; Jo. Ant. *Fr.* 214, 4; Theoph. AM 5977.

[128] Theoph. AM 5983; it is perhaps possible that he is the same as the Kottomenes of Jo. Ant. 214, 6, but John does not say that Kottomenes took any part in the war.

[129] Jo. Ant. *Fr.* 214, 5.

[130] Verina seems to have accompanied Leontius to Antioch in spite of the statement of Theodore (2, 3) that she was sent back to the castle of Papirius.

[131] This appears from Marcell. ann. 488, Eust. ap. Evagr. 3, 27, and Jo. Mal. ap. Mommsen, *Hermes*, vi. 372. Papirius is of course the name of a man, the father of Indakos (Jo. Ant. 206, 2), not of a place. The castle seems to have been used by Zenon as a treasure-house (Josh. Styl. 13; Jord. *Rom.* 352).

[132] Jo. Ant. *Fr.* 214, 4. Theophanes makes him return of his own accord (AM 5977).

[133] Jo. Ant. *Fr.* 214, 6. [134] Theoph. *l.c.* [135] Evagr. 3, 27.

[136] Or, as Mommsen reads it, Kardala.

[137] Jo. Ant. *l.c.* The date was not earlier than 1 Sept. 484, for a certain John was then master of the offices (*Cod. Just.* 12, 21, 8). It is strange that Mr. Hodgkin should identify Longinus ὁ ἐκ Καρδάμων with the brother of Zenon.

The position of Illous, besieged in his stronghold by his own countrymen, was now hopeless, and he had been obliged to dismiss a large part of the small force of 2,000 men which had followed him to Isauria, retaining with him according to John of Antioch only the most friendly;[138] this seems to show that the reason for his action was not merely the difficulty of providing for so many in the fort, but the fear of treachery, which, as the event showed, was not ill-grounded. Nine days after the beginning of the siege Verina died,[139] perhaps of shame and grief at finding herself thus shut up with the Isaurians in their robber-fastness. Thus the faint semblance of legality, which had been thrown over the elevation of Leontius, disappeared, and with it Illous' last hope of gaining allies in other parts of the empire. Thirty days later Marsus also died,[140] and Trokoundes, who had been sent out in the vain hope of collecting barbarian auxiliaries, was cut off by John the Scythian and put to death.[141] The philosophic Illous now abandoned all hope; he entrusted the defence to a notorious robber-captain,[142] Indakos Kottounes, son of Papirius and brother-in-law of Trokoundes,[143] and probably the former owner of the castle, while he gave himself up to reading,[144] a strange occupation for an Isaurian chief. Owing to this neglect an outwork (*ἀντικάστελλος*) was betrayed to the enemy by its garrison, and it was perhaps about the same time that Longinus obtained his freedom and returned to Constantinople;[145] according to Theophanes, Illous set him free of his own accord;[146] if so, it must have been done in mere despair, or perhaps in the hope of influencing the emperor in his favour; possibly, however, the real fact was that Longinus contrived to escape owing to Illous' negligence. Thus Illous lost the last hold which he possessed over the emperor. Leontius, on the other hand, spent his time in fasting and lamentation,[147] the former perhaps not an altogether useless employment during a siege. Pamprepius, who had prophesied a successful issue to the war, was put to death as an impostor.[148] According to Theophanes this was done as soon as

[138] Jo. Ant. *Fr.* 214, 5. Joshua says 'chosen men and valiant' (Josh. Styl. 17) which comes to much the same thing.

[139] Jo. Ant. *Fr.* 214, 6.

[140] Damasc. (ap. Phot.) *Vit. Isid. Fr.* 290; Jo. Ant. *l.c.*

[141] Theoph. AM 5976.

[142] See Jo. Ant. *Fr.* 206, 2, and Souidas s.v. *Ἰνδακος*.

[143] Theod. Lect. 2, 4. His own syntax and a comparison with Theoph. AM 5980 make it clear that the words *τοῦ ἀδελφοῦ* have dropped out. He is certainly wrong in saying that the traitor was sent by Zenon.

[144] Jo. Ant. *Fr.* 214, 6. [145] Marcell. ann. 485.

[146] Theoph. AM 5975, *ἀπέλυσαν*. He puts it before the battle, but his authority is worth nothing against Marcellinus, who places it in 485.

[147] Jo. Ant. *l.c.*

[148] Damasc. (ap. Phot.) *Vit. Isid. Fr.* 110; Jo. Mal. p. 389; Theoph. AM 5976; cf. Josh. Styl. 15.

they heard of the fate of Trokoundes, for whom they had been waiting four years in ignorance of his death, but this we can hardly elieve, though we may perhaps draw the inference that the death of Pamprepius took place during the last days of the siege. How the besieged supported themselves we are not told, but probably owing to the nature of the country it was not possible to keep up a strict blockade. A short respite was now given to them by the rebellion of Theoderic in Thrace,[149] the Goth being probably indignant at his recall and his dismissal from office, as well by some attempts on the part of King Odovacar to send them aid.[150] Zenon, however, first distracted the attention of the Italian king by instigating the Rugians to attack him,[151] and then got rid of Theoderic, once for all, by sending him to west Italy from Odovacar.[152]

Having thus delivered hinself from both his enemies at once by the ingenious device of setting them to fight one another, Zenon was able to devote all his attention to the siege of Cherris. After a vain attempt to negotiate, Illous, owing to the death of his daughter, neglected the defence more than ever,[153] and after a siege of four years the fortress was taken by the treachery of Indakos, who admitted the imperial troops at night by means of a rope;[154] he and his fellow-traitors were, however, among the first persons killed. Illous and Leontius, who were asleep at the time, were awakened by the well-known cry, 'Zenon Auguste, tu vincas,' which told them that the emperor's soldiers were within the fort, and took refuge in the sanctuary of a martyr named Konon, where Leontius wished to put himself to death but was prevented by Illous. They were then brought out and securely bound by the Isaurians in the emperor's service, among whom were two former slaves of Illous named Paul[155] and Illous; the request of Illous that his daughter should be buried at Tarsos, that his wife should be well treated, and that the life of a certain Konon, who was perhaps his son-in-law,[156] should be spared, was granted, and then he and Leontius were beheaded.[157] According to John of Antioch, lightning, thunder, hail, and wind accompanied their death, and the executioner was struck mad and dumb on the spot. Strange as it may seem, we can hardly help concluding from this that they were

[149] Marcell. ann. 487; Jo. Ant. *Fr.* 214, 7–8 (Müller, *Fragm. Hist. Graec.* vol. v.); Proc. *Bell. Goth.* 1, 1.

[150] Jo. Ant. *Fr.* 214, 7.

[151] Odovacar defeated the Rugians 15 Nov. 487 (*Fast. Cuspin.*).

[152] Anon. Vales. 49; Jord. *Rom.* 348; Proc. *Bell. Goth. l.c.*

[153] Jo. Ant. *Fr.* 214, 7, 9.

[154] Josh. Styl. 17; Jo. Ant. *Fr.* 214, 10.

[155] Paul was perhaps the imperial admiral (Jo. Ant. *Fr.* 214, 4), though αὐτοῦ in that passage would refer to Zenon more naturally than to Illous.

[156] This is the opinion of Mommsen (*Hermes*, vi. 330).

[157] Damasc. (ap. Phot.) *Vit. Isid. Fr.* 290; Cand. ap. Phot.; Josh. Styl. *l.c.* Jo. Ant. *Fr.* 214, 11; Marcell. ann. 488.

really looked upon as martyrs in the cause of the Synod of Kalchedon, though it is odd that the circumstance should be recorded only by a writer so free from theological bias as John of Antioch. Their heads were sent to Constantinople and exposed on poles, and all those who were taken in the castle had their hands cut off. Zenon, it is said, wished to spare the life of Konon, but he had already committed suicide. Artemidoros, the body-guardsman of Trokoundes, an unnamed son of a certain Longinus,[158]—whether to be identified with any other of the numerous Isaurians of that name we cannot say—and another Konon known as 'the countryman,' who seem to have had a share in the treachery of Indakos, all, as John of Antioch takes delight in telling us, perished miserably.[159] Of the fate of Matronian we hear nothing; after his repulse from the walls of Edessa, he appears no more in history, but, as the chronicle of Edessa makes the reign of Leontius last two years,[160] we may perhaps conjecture that Matronian continued the war in Mesopotamia, probably in combination with the Armenians, until 486, and then either died or escaped into Persian territory, for, if he had been killed or taken prisoner, it would most probably have been mentioned by the authorities. After the suppression of the revolt, which took place in 488, most of the castles in Isauria were dismantled.

The war with Illous had been mainly a war among the Isaurians themselves; but it was soon to be followed by one between Isaurians and Romans, in which the Isaurian rule was finally overthrown. On 10 April 491 Zenon died,[161] and, as he left no son, the Empress Ariadne and the eunuch Urbicius in concurrence with the senate and the army invested Anastasius, a silentiary of high character, with the empire in preference to Zenon's unpopular and incapable brother Longinus. The Isaurians must have been greatly weakened by the last war, and were therefore not in a position to offer any immediate resistance to the new appointment in Constantinople; but a revolt at once broke out in Isauria,[162] headed by Linginines,[163] the count of the province, the fighting bishop Konon, who gave up his see in order to take part in the war, and a certain Athenodoros. Shortly afterwards a serious riot[164] took place in

[158] This is Mommsen's reading: Müller has Λογγῖνος ὁ τοῦ Λογγίνου παῖς. According to Mommsen's reading he may perhaps be the same person as Konon.

[159] Jo. Ant. *Fr.* 214, 12; cf. Josh. Styl. *l.c.*

[160] *Assem. Bibl. Or.* i. 406. It makes him reign at Antioch two years, which is of course wrong; but the Edessenes would only know that he had been reigning at Antioch, and that Matronian was attacking them in his name.

[161] Zach. Myt. 7, 1. On the Wednesday before Easter.

[162] Josh. Styl. 23; Zach. Myt. 7, 2; Jo. Ant. *Fr.* 214 b. 3; Jo. Mal. p. 393 ff; Theoph. AM 5985; Jord. *Rom.* 354 ff.

[163] Mommsen, Müller, Rose, and Mr. Bury, all identify this man with Linges, who commanded against Illous, but the identification seems to me very doubtful.

[164] Jo. Ant. *Fr.* 214 b, 2; Marcell. ann. 491; Jo. Mal. ap. Mommsen, *Hermes*, vi. 373.

the circus at Constantinople; the origin of it is not clearly explained by John of Antioch, but it had very probably some connexion with theological differences, for Anastasius was a well-known Monophysite, and Euphemius, the bishop of Constantinople, had on this ground vigorously protested against his elevation to the empire. The Isaurians were, however, suspected of being implicated in the sedition, and it is not unlikely that the Kalchedonians would be ready to act even with these hated barbarians against their common enemy Anastasius. The emperor accordingly made use of the opportunity to take strong measures against the Isaurians.[165] Longinus was forced to become a presbyter and banished to the Thebaid, where he died eight years afterwards, while his mother, wife, and daughter took refuge on the Bithynian coast, where they subsisted for the rest of their lives on charity.[166] At the same time all the Isaurians in Constantinople were expelled, and the pay which Zenon had given them was withdrawn.[167] Shortly afterwards all their property, including that of the late emperor, was confiscated, even Zenon's imperial robes being put up to auction.[168] The castle of Papirius was also dismantled, though how this could be done while the Isaurians were in revolt it is not easy to see. Rose, indeed, holds that the dismantling of the castle was one of the causes of the revolt, but this, which is clearly inconsistent with John's account, is part of Rose's general theory as to the chronology of these events, and must, I think, stand or fall with it. Rose, followed by Mr. Bury, places this riot and the consequent expulsion of the Isaurians (with the exception of that of Longinus and a few others) after the battle of Kotyaeion and identifies it, not with the riot which Marcellinus mentions as occurring in 491, but with that which he relates under the year 493. The former Rose will not allow to have been an ordinary riot at all, but, insisting upon the word *bellum*, says that it was a civil war and is the same as that mentioned by Theophanes under the year 492, in which year he would place the banishment of Longinus. But Theophanes simply says, ἐστασίασε κατ' αὐτοῦ ὁ Λογγῖνος, an expression which certainly does not imply anything more than the riot related by John. Besides this, Rose's whole theory is in the most glaring

[165] Priscian. *Paneg.* pp. 52, 53; Theod. Lect. 2, 9; Jo. Ant. *Fr.* 214 b. 3; Theoph. AM 5984, 5985. According to Evagrius (3, 29), probably copying Eustace, the Isaurians were banished at their own request, so possibly they were really attacked by their enemies instead of being the aggressors.

[166] The daughter of Longinus was betrothed to a certain Zenon, son of Anthemius and Herais. A comparison with Jo. Lyd. *De Mag.* 3, 50, and Proc. *Hist. Arc.* 12, makes it practically certain that this Zenon was a grandson of the emperor Anthemius and nephew of Marcian; this has not, I think, previously been noticed.

[167] According to Jordanes (*Rom.* 352, 354) only the extra pay given them after defeat of Illous.

[168] Jo. Ant. *Fr.* 214 b. 4.

contradiction to the plain and circumstantial account of John of Antioch as well as to Theodore and Theophanes,[169] and is not supported by any other authority. The reasons given by him for the chronology which he adopts are two only: first, that in the riot described by John the emperor's statues were thrown down, and that the same thing is related by Marcellinus as having occurred in the riot of 493 but not in that of 491; and, secondly, that the words of John, *καὶ ταῦτα ἤδη ἀγγελθείσης τῆς κατὰ χώραν αὐτῶν ἀποστάσεως*, are inconsistent with the date 491. But the throwing down of the emperor's statues was one of the commonest incidents of riots, of which the reign of Anastasius was, owing to his theological opinions, an almost perpetual series. Rose might as well have identified John's riot with that of 512, at which also Marcellinus tells us that the statues of Anastasius were thrown down. On the other hand, as Mommsen notices,[170] the burning of the circus, a much rarer incident, is expressly connected by Marcellinus with the riot of 491 and not with that of 493.[171] As to the second objection urged by Rose, there is no reason why the revolt in Isauria should not have preceded the riot in Constantinople, even if the latter occurred in 491; the Isaurians would probably take up arms as soon as they heard of the accession of Anastasius. Besides, according to Rose, the battle of Kotyaeion had already been fought; as he must, therefore, reject altogether the account of John, he cannot rely upon a single expression like this, which is meaningless apart from the narrative in which it stands. The only argument that can fairly be alleged in favour of his chronology is the difficulty about the castle of Papirius alluded to above; but this is not adduced as an argument by him, and is plainly too weak to stand against the general consensus of authorities; if necessary, it would be better to reject John's statement on this point than to throw over his whole narrative, as is done by Rose. I have discussed this and another chronological theory of Rose's, to which I shall presently refer, at greater length than would otherwise have been necessary, because they have been adopted without comment by Mr. Bury in his 'History of the Later Roman Empire,' the only work which gives a narrative in any detail of the events of this much-neglected period of history. Mommsen in his article on the new fragments of John of Antioch follows his author closely, though he appears to hold that John has confused together the two riots of 491 and 493;[172] but since the

[169] Theoph. AM 5985. [170] *Hermes*, vi. 340.

[171] To show how futile all such arguments are, it may be mentioned that even the burning of the circus was in part repeated in the riot of 507 (Marc. *sub ann.*). The riot described by John Malala (p. 394), copied by the Paschal chronicle, is probably the same in spite of the date (498) given by the latter, for the dates of the Paschal chronicle in the sections taken from John Malala are worthless.

[172] *Hermes*, vi. 340, note 3.

date of Mommsen's article (1872) the value of John's testimony has been considerably enhanced by the strong arguments adduced by Soteriades[173] to show that he wrote soon after the death of Anastasius, not, as previously supposed, in the reign of Herakleios.

Prominent among the Isaurians expelled from Constantinople were Longinus of Kardama, the master of the offices,[174] and a second Athenodoros; these men immediately put themselves at the head of their insurgent countrymen, and their united force is said to have amounted to ten thousand men,[175] among whom were many Romans, some serving under compulsion, some voluntarily, the latter probably zealous Kalchedonians. The distinction made between Romans and Isaurians is to be noted, as it seems to show that the latter were really regarded as semi-independent and, therefore, had not obtained the citizenship under the edict of Antoninus. With this army they advanced as far as Kotyaeion in Phrygia,[176] where they were met by an imperial force under John the Scythian and John the Hunchback,[177] with whom were associated Justin, afterwards emperor, Apskal a Goth, and two Huns named Sigizan and Zolbo. The Isaurians, who seem to have been little suited for fighting in the open field, were utterly defeated, Linginines being killed, and they took refuge in their native mountains. The battle was fought towards the end of 492.[178] The imperial generals had now before them the difficult task of overcoming the Isaurians in their own homes, and when we remember that Zenon with a force of native Isaurians had taken four years to reduce Illous, the difficulty of reducing the united forces of the mountaineers with Roman and barbarian troops may easily be imagined. It is indeed very likely that the destruction of the fortresses after the defeat of Illous had considerably lessened

[173] *Jahrb. für classische Philologie*, suppl. vol. xvi.

[174] Mr. Bury calls this Longinus 'master of the soldiers'; but μάγιστρος always means 'master of the offices,' and his appointment is mentioned in Jo. Ant. *Fr.* 214, 6 (cf. *Cod. Just.* 12, 20, 3). A certain Longinus indeed seems to have been *mag. mil.* under Anastasius (*Cod. Just.* 12, 37, 16), but this may be the brother of Zenon, who, according to John Malala, was made master of the soldiers about 490 (Jo. Mal. p. 386). As Eusebius was *mag. off.* on 1 Mar. 492 (*Cod. Just.* 1, 30, 3), we may probably assume that the banishment of the Isaurians had taken place before that date.

[175] Jo. Ant. *Fr.* 214 b. 5. Hostilities seem to have been expected as early as 1 Jan. 492 (*Cod. Just.* 12, 35, 18).

[176] Theod. Lect. 2, 9; Jo. Ant. *l.c.*; Marcell. ann. 492; Jo. Mal. p. 394.

[177] According to Theophanes both the Johns were masters of the soldiers in Thrace; but John Malala makes John the Hunchback *mag. in praes.*, and that one of them held the office appears from *Cod. Just.* 12, 35, 18. John the Scythian probably still held his former post of master in the east. John of Antioch's text says that they had only 2,000 men, and this is repeated by Mommsen and Mr. Bury; but surely the number is corrupt, as Müller supposes.

[178] Διέμεινον τὴν τοῦ χειμῶνος ὥραν which Mommsen and Rose understand as above; but it is possible that it was at the beginning of 492, and the generals waited till the winter was over before undertaking a mountain campaign.

the resisting power of the Isaurians, but even so the task was a most formidable one.

In the following year the Isaurian city of Klaudioupolis, lying in a plain between two mountain-ranges, was taken by Diogenes, a kinsman of the Empress Ariadne,[179] whereupon the Isaurians came down from their mountains and completely surrounded his army so that it almost perished of hunger; but from this position he was released by John the Hunchback, who succeeded in penetrating the passes and by a sudden attack routed the Isaurian forces. In this battle Bishop Konon was mortally wounded. Henceforth the war was confined to the mountain fastnesses, and the Isaurians, unable any longer to plunder the plains, were supplied with food by another Longinus, known as the Selinountian, who contrived to bring in provisions by sea.[180]

The emperor's attention was now distracted from the Isaurian war by a serious incursion of barbarians in Thrace, in which Julian, the master of the soldiers, was killed;[181] perhaps also by a dangerous riot in Constantinople, in which the statues of the emperor and empress were dragged through the streets, probably by the Kalchedonian faction, who, as in the case of Illous, were accused of being in league with the Isaurians, a charge on which Bishop Euphemius[182] was two years afterwards deprived. Thus the war in Isauria dragged on for some years without any events being recorded; at last, probably in 497, Longinus of Kardama and Athenodoros were taken prisoners by John the Scythian[183] and their heads sent to Constantinople, where they were exposed on poles, *ἡδὺ θέαμα τοῖς Βυζαντίοις*, says Evagrius, who probably copies Eustace, *ἀνθ' ὧν κακῶς πρὸς Ζήνωνος καὶ τῶν Ἰσαύρων ἐπεπόνθεσαν*. Marcellinus says that the head of Athenodoros was exposed at Tarsos;[184] if he is referring to the other Athenodoros, there is no certain date for the event related by Evagrius, and it will only be an inference from the strong expression of Marcellinus, *bellum Isauricum hoc sexto anno sedatum*,[185] that it took place at the same time; otherwise we must suppose that Evagrius has made a mistake as to the place where the head of Athenodoros was exposed; he may easily have thought that both heads were sent to Constantinople, when in fact only that

[179] Theoph. AM 5986. He places it in the year after Kotyaeion, i.e. between Sept. 493 and Sept. 494.

[180] Theoph. AM 5987. [181] Marcell. ann. 493.

[182] Theod. Lect. 2, 9–12; Marcell. ann. 495; Theoph. AM 5987, 5988. I am not prepared to abandon the date of Marcellinus, though the account of Theodore would place it not earlier than 497. Victor of Tununa gives 496. Zachariah of Mytilene (7, 1) makes the episcopate of Macedonius last fifteen years, which is roughly consistent with any of these years, for Macedonius was deprived in Aug. 511 (Zach. Myt. 7, 8; *cf.* Marc. *sub ann.*).

[183] Evagr. 3, 35. [184] Marcell. ann. 497.

[185] The consulship of John the Scythian in 498 is also in favour of this date (see below, p. 237).

of Longinus was sent thither. Longinus the Selinountian,[185] with a certain Indes and a brother of the latter, held out at the Isaurian Antioch for a year longer, after which they were taken prisoners by Count Priscus, an officer serving under John the Hunchback,[187] and sent to Constantinople, where they were exhibited to the mob in chains and then tortured to death at Nikaia.[188]

Rose here rejects the chronology of Marcellinus, placing the end of the war not in 498 but in 496. He also transposes the captures of the two Longini, putting that of the Selinountian in 495 and that of Longinus of Kardama in 496, thus crediting Marcellinus with an error of no less than three years in his dating of the former event. In both these theories he is followed by Mr. Bury. For the antedating of the end of the war Rose appeals to Theodore and Theophanes. Of these writers Theodore distinctly says that the war lasted at least five years (*τοῦ δὲ πολέμου ἐπὶ πέντε ἔτη κρατήσαντος Ἀναστάσιος, κ. τ. λ.*)[189] that is till 497, and says nothing as to how much longer it continued. Theophanes does certainly place the end of the war in 496, or rather perhaps we should say in 495, since he makes it last three years after the battle of Kotyaeion,[190] but why should Theophanes, who wrote in the ninth century, be preferred to Marcellinus, who wrote in the sixth? It is indeed most probable that the account of Theophanes is drawn indirectly from the contemporary Eustace, but, as there is no reason to think that Eustace was a chronographer, the dates are no doubt the invention of Theophanes himself, or of his intermediary, John Malala.[191] For the transposition of the captures of the Isaurian leaders Rose gives no reason, and I have not been able to find any; it is true that Evagrius does not say that he is relating the events in chronological order, but in default of any evidence to the contrary it is surely reasonable to assume that he gives them in the order which he found in Eustace, especially as

[186] Marcell. ann. 498; Evagr. 3, 35; Jo. Mal. ap. Mommsen, *Hermes*, vi. 373.

[187] This is the most obvious way of reconciling Marcellinus with Evagrius.

[188] Müller (*Fr. Hist. Gr.* v. 30) and Rose most strangely identify the Indes of Evagrius and John Malala with Linginines, and Rose says that the battle of Kotyaeion is referred to, although that battle was fought six years before the capture of Longinus (three according to Rose's chronology), and in it Linginines was not taken prisoner but killed: besides Linginines is actually mentioned by John Malala, and his death at Kotyaeion related. We can hardly help asking whom these authors suppose the brother of Indes to be; as Indes was Linginines, and Linginines was Linges, and Linges was the brother of Illous, the answer seems naturally to follow that the brother of Indes was Illous himself. If this somewhat startling conclusion be rejected, we are confronted with an array of no less than five brothers, Illous, Trokoundes Aspalius Linges, and the unnamed brother of Linges, surely an improbably large family for these times.

[189] Theod. Lect. 2, 9.

[190] Theoph. AM 5985, 5988.

[191] There can be little doubt that John's work was originally a chronography, as it is in fact called, though the dates are not given in the existing form of the work which is merely a series of extracts.

the same order is found in John Malala and in Theophanes;[192] besides the transposition necessitates, as I have already noticed, an extra year's divergence from the chronology of the accurate Marcellinus, a divergence which is the more gratuitous because, if Theophanes was to be followed at all, the captures of the two chiefs might just as well have been placed in the same year, as is done by him. The chronology of Marcellinus on the other hand, besides being supported by Theodore, is corroborated by the dates of the consulships of the two Johns; for Theophanes says that they were rewarded with consulships, and it was a common practice to make a general consul in the year following a victory gained by him; accordingly we find that John the Scythian, who took Longinus of Kardama in 497, was consul in 498, and that John the Hunchback, who took Longinus the Selinountian in 498, was consul in 499. I have therefore no hesitation in accepting the date of Marcellinus, though, as he seems to reckon by the years of the indiction, an event referred by him to one consulship may have taken place during the last four months of the previous one.

The exhibition of Longinus and Indes is said by Evagrius to have done more than anything else to reconcile the people of Constantinople to their Monophysite emperor; for at the actual sight of the Isaurian leaders any temporary alliance which may have existed between the Kalchedonians and the Isaurians disappeared at once; in fact seventeen years later we find the Isaurians defending Constantinople for Anastasius against the Kalchedonian champion Vitalian.[193] All chance of a fresh revolt was avoided by the wholesale transportation of Isaurians to the wasted lands of Thrace, where they might be usefully employed against their natural enemies, the barbarians of the Danube. Thus the Isaurians, though their time of mastery was over, still remained useful servants of the Romans, and in this way the great scheme of Leo was of permanent benefit to the empire. But the cause of the mountaineers as a political power was overthrown at Kotyaeion, and they do not again play a prominent part in politics till the accession of the Isaurian dynasty of emperors in the eighth century.[194] In fact their work was done, for the danger which Leo called them in to combat was already past. There were, indeed, many barbarian generals in the Roman service after this date, but these were all men of the stamp of John the Scythian, obedient servants of the emperor; with the partial exception of Vitalian[195]

[192] Jo. Mal. p. 394; *id.* ap. Mommsen, *Hermes*, vi. 373; Theoph. AM 5988.

[193] Jo. Ant. *Fr.* 214 c. 17.

[194] A serious Isaurian war in the time of Herakleios is mentioned by Souidas (s.v. Ἡράκλειος), but I cannot find any other notice of it.

[195] Whether Vitalian was himself a barbarian may be doubted, but at any rate he was a leader of barbarians. It is not quite certain that even John the Scythian was a barbarian, as Σκύθης might mean an inhabitant of the province of Scythia (cp Marcell. ann. 514 with Jord. *Rom.* 357).

none ever attained to the position of Aspar, or even of The
Leo had taught the Romans to look at home for defence fro
enemies, and in this way, too, his Isaurian policy must b
nounced to have been a complete success; nor can seventeen
subjection to the Isaurians be thought too high a price to
the deliverance thereby gained. But for Leo the barbarians
in all probability have reigned in Constantinople as they
Rome, and the ultimate results of his policy cannot be
observed than in the contrast between the African expedi
Leo, undertaken while Aspar was still powerful, and that
tinian; for there can be little doubt that the comparatively e
state of the army in the time of the later emperor, when
largely composed of, and officered by, Armenians and Isa
was in great measure due to the policy introduced by the ea

E. W. Br

Anglo-Saxon Law[1]

THE habit of preserving some written record of all affairs of importance is a modern one in the north and west of Europe. But it is so prevalent and so much bound up with our daily habits in modern life that we have almost forgotten how much of the world's business, even in communities by no means barbarous, has been carried on without it. And the student of early laws and institutions, although the fact is constantly thrust upon him, can hardly accept it without a sort of continuing surprise. This brings with it a temptation of some practical danger, that of overrating both the trustworthiness of written documents and the importance of the matters they deal with as compared with other things for which the direct authority of documents is wanting. The danger is a specially besetting one in the early history of English law; and that inquirer is fortunate who is not beguiled into positive error by the desire of making his statements appear less imperfect. In truth, the manners, dress, and dialects of our ancestors before the Norman Conquest are far better known to us than their laws. Historical inquiry must be subject, in the field of law, to peculiar and inevitable difficulties. In most other cases the evidence, whether full or scanty, is clear so far as it goes. Arms, ornaments, miniatures, tell their own story. But written laws and legal documents, being written for present use and not for the purpose of enlightening future historians, assume knowledge on the reader's part of an indefinite mass of received custom and practice. They are intelligible only when they are taken as part of a whole which they commonly give us little help to conceive. It may even happen that we do not know whether a particular document or class of documents represents the normal course of affairs, or was committed to writing for the very reason that the transaction was exceptional. Even our modern law is found perplexing, for reasons of this kind, not only by foreigners, but by Englishmen who are not lawyers. We cannot expect, then, that the extant collections of Anglo-Saxon laws should give us anything like a complete view of the legal or judicial institutions of the time. Our Germanic ancestors

[1] The substance of a public lecture delivered in the university of Oxford in March 1892.

were no great penmen, and we know that the reduction of any part of their customary laws to writing was in the first place due to foreign influence. Princes who had forsaken heathendom under the guidance of Roman clerks made haste, according to their lights, to imitate the ways of imperial and Christian Rome, as Bede expressly tells us of Æthelbirht (*iuxta exemplum Romanorum*). It is worth while to bear in mind, when we are thinking of any possible influence of Roman forms and institutions in England before the Norman Conquest, that there can be no question of Justinian's 'Corpus Juris.' For the legislation of Justinian was still a new thing in the Eastern Empire itself at the date of Augustine's mission to the kingdom of Kent. Æthelbirht had only ruled the men of Kent some five years in 565, when Justinian died.

It is proper to say in express terms that this chapter does not profess to be a guide to Anglo-Saxon legal antiquities at large, but only to deal with them so far as they are connected with the subsequent history of the laws of England.

Although English princes issued written dooms with the advice of their wise men at intervals during nearly five centuries, it seems all but certain that none of them did so with the intention of constructing a complete body of law. The very slight and inconspicuous part which procedure takes in the written Anglo-Saxon laws is enough to show that they are mere superstructures on a much larger base of custom. All they do is to regulate and amend in details now one branch of customary law, now another. In short their relation to the laws and customs of the country as a whole is not unlike that which acts of parliament continue to bear in our own day to the indefinite mass of the common law.

Our knowledge of Anglo-Saxon law rests, so far as positive evidence goes, on several classes of documents which supplement one another to some extent, but are still far from giving a complete view.

We have a considerable series of laws and ordinances of Saxon and English[2] princes, beginning with those of Æthelbirht of Kent, well known to general history as Augustine's convert, which are of about the end of the seventh century. The custumal preserved in French and Latin under the name of William the Conqueror may be said to close the list; for the Latin collection called the laws of Henry I is the work of a pious and well-meaning antiquary according to his lights, and not of a legislator or practical lawyer. This belongs to the second class of documents, namely compilations of customs and formulas which are not known ever to have had any

[2] No distinctively Mercian dooms have been preserved. The Kentish dooms extend over more than a century, and the time of Wihtræd of Kent overlaps that of Ine of Wessex. Nevertheless they form a compact group of archaic type distinct from the main line which begins in Wessex.

positive authority, but appear to have been put together with a view to practical use, or at least to preserve the memory of things which had been in practice, and which the writer hoped to see in practice again. Perhaps our most important witness of this kind is the tract or custumal called 'Rectitudines singularum personarum.' Some of the so-called laws are merely semi-official or private compilations, but their formal profession of an authority they really had not makes no difference to their value as evidence of what the compilers understood the customary law to have been. To some extent we can check them by their repetition of matter that occurs in genuine Anglo-Saxon laws of earlier dates. Apocryphal documents of this kind are by no means confined to England, nor, in English history, to the period before the Conquest. Some examples from the thirteenth century have found their way into the worshipful company of the Statutes of the Realm among the 'statutes of uncertain time.' It has been the work of more than one generation of scholars to detect their true character, nor indeed is the work yet wholly done. From the existence and apparent, sometimes real, importance of such writings and compilations as we have now mentioned there has arisen the established usage of including them, together with genuine legislation, under the common heading of 'Anglo-Saxon laws.' As for the deliberate fables of later apocryphal authorities, the 'Mirror of Justices' being the chief and flagrant example, they belong not to the Anglo-Saxon but to the medieval period of English law. We have not now to inquire what their worth, discreetly assayed, may be for their own period.

Another kind of contemporary writings affords us most valuable evidence for the limited field of law and usage which those writings cover. The field, however, is even more limited than at first sight it appears to be. We mean the charters or 'land-books' which record the munificence of princes to religious houses or to their own followers, or in some cases the administration and disposition of domains thus acquired. Along with these we have to reckon the extant Anglo-Saxon wills, few in number as compared with charters properly so called, but of capital importance in fixing and illustrating some points. It was Kemble's great achievement to make the way plain to the appreciation and use of this class of evidences by his 'Codex Diplomaticus.' We shall have to express opinions more or less widely different from Kemble's on several matters, and therefore think it well to say at once that no one who has felt the difference between genius and industrious good intentions can ever differ with Kemble lightly or without regret. Kemble's work often requires correction; but if Kemble's work had not been, there would be nothing to correct.

Then we have incidental notices of Anglo-Saxon legal matters

in chronicles and other writings, of which the value for this purpose must be judged by the usual canons of coincidence or nearness in point of time, the writer's means of access to contemporary witness or continuous tradition not otherwise preserved, his general trustworthiness in things more easily verified, and so forth. Except for certain passages of Bede, we do not think that the general literary evidence, so to call it, is remarkable either in quantity or in quality. Such as we have is, as might be expected, of social and economic interest in the first place, and throws a rather indirect light upon the legal aspect of Anglo-Saxon affairs.

Lastly we have legal and official documents of the Anglo-Norman time, and foremost among them Domesday Book, which expressly or by implication tells us much of the state of England immediately before the Norman Conquest. Great as is the value of their evidence, it is no easy matter for a modern reader to learn to use it. These documents, royal and other inquests and what else, were composed for definite practical uses. And many of the points on which our curiosity is most active, and finds itself most baffled, were either common knowledge to the persons for whose use the documents were intended, or were not relevant to the purpose in hand. In the former case no more information was desired, in the latter none at all. Thus the Anglo-Norman documents raise problems of their own which must themselves be solved before we can use the results as a key to what lies even one generation behind them.

On the whole the state of English law before the Conquest presents a great deal of obscurity to a modern inquirer, not so much for actual lack of materials as for want of any sure clue to their right interpretation at a certain number of critical points. Nevertheless we cannot trace the history of our laws during the two centuries that followed the Conquest without having some general notions of the earlier period; and we must endeavour to obtain a view that may suffice for this purpose. It would be a barren task to apply the refined classification of modern systems to the dooms of Ine and Alfred or the more ambitious definitions of the 'Leges Henrici Primi.' We shall take the main topics rather in their archaic order of importance. First comes the condition of persons; next, the establishment of courts, and the process of justice; then the rules applicable to breaches of the peace, wrongs and offences, and finally the law of property, so far as usage had been officially defined and enforced, or new modes of dealing with property introduced. The origin and development of purely political institutions has been purposely excluded from our scope.

I

As regards personal condition, we find the radical distinction, universal in ancient society, between the free man and the slave.

But in the earliest English authorities, nay, in our earliest accounts of Germanic society, we do not find it in the clear-cut simplicity of Roman law. There is a great gulf between the lowest of free men and the slave; but there are also differences of rank and degrees of independence among free men, which already prepare the way for the complexities of medieval society. Some free men are lords, others are dependents or followers of lords. We have nothing to show the origin or antiquity of this division; we know that it was the immemorial custom of Germanic chiefs to surround themselves with a band of personal followers, the *comites* described by Tacitus, and we may suppose that imitation or repetition of this custom led to the relation of lord and man being formally recognised as a necessary part of public order. The Chronicle tells us (A.D. 755, though the event was all but thirty years later) of the fidelity of Cynewulf's thanes. We know, moreover, that as early as the first half of the tenth century the division had become an exhaustive one. An ordinance of Æthelstan treats a 'lordless man' as a suspicious if not dangerous person; if he has not a lord who will answer for him, his kindred must find him one; if they fail in this, he may be dealt with (to use the nearest modern terms) as a rogue and vagabond.[3] The term 'lord' is applied to the king, in a more eminent and extensive but at the same time in a looser sense, with reference to all men owing or professing allegiance to him;[4] and this usage, preserved in the words of English records and documents of state to the present day, may strengthen the inference that the king's lordship, as it was the chiefest of earthly powers among his people, was the original type on which the power of other lords was modelled. In any case this pervading division of free persons into lords and men, together with the king's position as general over-lord, combined at a later time with the prevalence of dependent land tenures to form the more elaborate arrangements and theories of medieval feudalism. It is not possible either to assign any time in English history when some free men did not hold land from their personal lords, or to assign the time when this became a normal state of things. In the latter part of the ninth century there was already a considerable class of free men bound to work on the lands of others, for an ordinance of Alfred fixes the holidays that are to be allowed them; and we can hardly doubt that this work was incident to their own tenure.[5] At all events dependent land-holding appears to have been common in the century before the Norman Conquest. It was the work of the succeeding century to establish the theory that all land must be held of some one as a fixed principle of English law, and to give to the

[3] Æthelst. ii. 2. A man who was considerable enough to have only the king above him required, of course, no other lord.

[4] *A.-S. Chron., sub anno* 921.

[5] Ælf. 43.

conditions of tenure as distinct from the personal status of the tenant an importance which soon became preponderant, and had much to do with the ultimate extinction of personal servitude under the Tudor dynasty.[6]

Dependence on a lord was not the only check on the individual freedom of a freeborn man. Anglo-Saxon polity preserved, even down to the Norman Conquest, many traces of a time when not the individual, but the family or the kindred, was the unit of the common weal, controlling its members in many ways, and answerable for them in matters of both public and private right. Such a stage of society, we hardly need add, is not confined to any one region of the world or any one race of men. In its domestic aspect it is the joint family or household which is still an integral part of Hindu and South Slavonic life. When it puts on the face of strife between hostile kindreds, it is shown in the war of tribal factions, and more specifically in the blood-feud. A man's kindred are his avengers; and, as it is their right and honour to avenge him, so it is their duty to make amends for his misdeeds, or else maintain his cause in fight. Step by step, as the power of the State waxes, the self-centred and self-helping autonomy of the kindred wanes. Private feud is controlled, regulated, put, one may say, into legal harness; the avenging and the protecting clan of the slain and the slayer are made pledges and auxiliaries of public justice. In England the legalised blood-feud expired almost within living memory, when the criminal procedure by way of 'appeal' was finally abolished. We have to conceive, then, of the kindred not as an artificial body or corporation to which the State allows authority over its members in order that it may be answerable for them, but as an element of the State prior to the State itself. There is a constant tendency to conflict between the old customs of the family and the newer laws of the State; the family preserves archaic habits and claims which clash at every turn with the development of a law-abiding commonwealth in its modern type. In England, as late as the tenth century,[7] we find that a powerful kindred may still be a danger to public order, and that the power of three counties may be called out to bring an offending member of it to justice. At the same time the family was utilised by the growing institutions of the State, so far as was found possible. We have seen that a lordless man's kinsfolk might be called upon to find him a lord. In other ways too the kindred was dealt with as representing its members.[8]

[6] A solitary claim of villeinage is reported in the reign of James I.

[7] Æthelst. vi. (*Iudicia civitatis Lundoniae*) 8 § 2.

[8] Kemble, *Saxons in England*, i. 261. The A.-S. term for the kindred is 'mægð,' in Latin versions 'parentela.' There is nothing to show that a 'mægð' was a permanently defined body. Duties of making and demanding compensation ran on the

The legal importance of the kindred continues to be recognised in the very latest Anglo-Saxon custumals, though such details as we find on the subject in the so-called laws of Henry I. fall under grave suspicion not merely of an antiquary's pedantic exaggeration, but of deliberate copying from other Germanic law-texts. It is probable that a man could abjure his kindred, and that the oath used for the purpose included an express renunciation of any future rights of inheritance. We do not know whether this was at all a common practice, or whether any symbolic ceremonies like those of the Salic law were or ever had been required in England.[9]

Further, we find distinctions of rank among freemen which, though not amounting to fundamental differences of condition, and not always rigidly fixed, had more or less definite legal incidents. From the earliest times a certain pre-eminence is accorded (as among almost all Germanic people)[10] to men of noble birth. The ordinary freeman is a 'ceorl,' churl (there is no trace before the Norman Conquest of the modern degradation of the word); the noble by birth is an 'eorl.' This last word came later, under Danish influence, to denote a specific office of state, and our present 'earl' goes back to it in that sense. The Latin equivalent *comes* got specialised in much the same way. But such was not its ancient meaning. Special relations to the king's person or service produced another and somewhat different classification. 'Gesíð' was the earliest English equivalent, in practical as well as literal meaning, of *comes* as employed by Tacitus; it signified a well-born man attached to the king by the general duty of warlike service, though not necessarily holding any special office about his person. It is, however, a common poetic word, and it is not confined to men. The element of noble birth is emphasised by the fuller and commoner form 'gesíðcund.' We must notice here the opinion that a man lost personal freedom, or at any rate the ordinary political rights of a freeman, by becoming one of the king's companions, inasmuch as it was put forward by no less an author than Kemble. It is, however, untenable. There is nothing to bear it out in Tacitus; his statement that it was no shame to young men of good family to profess themselves a chief's 'companion' does not imply any such matter, and indeed seems intended to guard against possible surprise or incredulity on the part of Roman readers, looking on Germanic usage from their own

mother's side as well as the father's; a father and son, or two half-brothers, would have some, but by no means all their kindred in common for the purposes of the blood-feud.

[9] Hen. 88 § 13; Schmid points out the strong resemblance to Lex Sal. 60 'De eam qui se de parentilla tollere vult.'

[10] Grimm, *D. R. A.* bk. I. c. ii. 265 *sqq.*

point of view, as to the existence of such relations between freemen of approximately equal rank. Neither does any English or other Teutonic authority, so far as we know, support Kemble's idea that a 'gesíð' was in some way unfree. Kemble appears on this, as on some other points, to have been carried away by an exalted conception of primitive Germanic freedom.[11] But perhaps the point is purely antiquarian, for the term 'gesíð' disappears as early as Alfred's time; and it certainly would have been a gross affront to both man and lord to tax any immediate follower of Godwin or Harold, not to speak of the Conqueror, with servile condition. Probably it would have been as ready a way as any of making sure whether the man so addressed could at any rate use a free warrior's weapons.

The official term of rank which we find in use in and after Alfred's time is 'thane' (þegen, in Latin usually 'minister'). Originally a thane is a household officer of some great man, eminently and especially of the king. From the tenth century to the Conquest thaneship is not an office unless described by some specific addition (horsþegen, discþegen, and the like) showing what the office was. It is a social condition above that of the churl, carrying with it both privileges and customary duties. The 'king's thanes,' those who are in fact attached to the king's person and service, are specially distinguished. We may perhaps roughly compare the thanes of the later Anglo-Saxon monarchy to the country gentlemen of modern times who are in the commission of the peace and serve on the grand jury. But we must remember that the thane had a definite legal rank. His wergild for example, the fixed sum with which his death must be atoned for to his kindred, or which he might in some cases have to pay for his own misdoing, was six times as great as a common man's; and his oath weighed as much more in the curious contest of asseverations, quite different from anything we now understand by evidence, by which early Germanic lawsuits were decided. It is stated in the document called 'Ranks' by Thorpe that a thane's rights might be claimed by the owner of five hides (at the normal value of the hide, 600 acres) of land, a church and belfry, a 'burgh-gate-seat' (which may imply a private jurisdiction, or may only signify a town house), and a special place in the king's hall. The like right is ascribed to a merchant who has thrice crossed 'the wide sea' (the North Sea as opposed to the Channel) at his own charges; this may be suspected, in the absence of confirmation, of being merely the expression of what, in the writer's opinion, an enlightened English king ought to have done to encourage trade; still it is not improbable. We

[11] *Saxons in England*, i. 166 *sqq.*; K. Maurer in *Krit. Ueberschau*, ii. 391. Kemble's quotation from *Beowulf* (p. 171) is really against him. Faithless '*companions*' are to forfeit their land-right. But unfree men could not have had any.

have no reason to reject the tradition about the five hides. It is borne out by such evidence as there is, and accounts for the post-Norman statement that five hides make a knight's fee,[12] which, as a general statement, does not agree with the facts of the Anglo-Norman system.[13] But this gives us no warrant in any case for denying that a thane might have less than five hides of land, or asserting that he would forfeit his rank if he lost the means of supporting it on the usual scale. However, these details are really of no importance in the general history of the law, for they left no visible mark on the structure of Anglo-Norman aristocracy.

The last remark applies to certain other distinctions which are mentioned in our authorities as well known, but never distinctly explained. We read of 'twelf-hynd' and 'twy-hynd' men, apparently so called from their wergild being twelve hundred and two hundred shillings respectively.[14] There was also an intermediate class of 'six-hynd' men. It would seem that the 'twelf-hynd' and the 'six-hynd' men were thanes, and the 'twy-hynd-man (a man of substance in any case) might or might not be. But these things perhaps had no more practical interest for Glanvill, certainly no more for Bracton, than they have for us.

In like manner, the privileges of clerks in orders, whether of secular or regular life, do not call for close investigation here. Orders were regarded as conferring not only freedom where any doubt had existed, but a kind of nobility. There was a special scale of wergild for the clergy; but it was a question whether a priest who was in fact of noble birth should not be atoned for with the wergild appropriate to his birth, if it exceeded that which belonged to his ecclesiastical rank, and some held that for the purpose of wergild only the man's rank by birth should be considered.

It is well known that the superior clergy took (and with good cause) a large part in legislation and the direction of justice, as well as in general government. Probably we owe it to the church that Anglo-Saxon law has left us any written evidences at all. But the really active and important part of the clergy in the formation of English law begins only with the clear separation of ecclesiastical and civil authority after the Conquest.

We now have to speak of the unfree class.

Slavery, personal slavery, and not merely serfdom or villeinage

[12] 'Miles' is a common translation of 'þegen.'

[13] J. H. Round in *Engl. Hist. Rev.* vii. 11. Knight's fees were often of five hides, 'survivals from the previous *régime*;' but 'no fixed number of hides constituted a knight's fee.'

[14] 'Be Wergilde,' App. vii. in Schmid.

consisting mainly in attachment to the soil, existed, and was fully recognised, in England until the twelfth century. We have no means of knowing with any exactness the number of slaves, either in itself, or as compared with the free population. But the recorded manumissions would alone suffice to prove that the number was large. Moreover, we know not only that slaves were bought and sold, but that a real slave-trade was carried on from English ports. This abuse was increased in the evil times that set in with the Danish invasions. Raids of heathen Northmen, while they relaxed social order and encouraged crime, brought wealthy slave-buyers, who would not ask many questions, to the unscrupulous trader's hand. But slaves were exported from England much earlier. Selling a man beyond the seas occurs in the Kentish laws as an alternative for capital punishment;[15] and one obscure passage seems to relate to the offence of kidnapping freeborn men.[16] Ine's dooms forbade the men of Wessex to sell a countryman beyond seas, even if he were really a slave, or justly condemned to slavery.[17]

Selling Christian men beyond seas, and specially into bondage to heathen, is forbidden by an ordinance of Æthelred, repeated almost word for word in Cnut's laws.[18] Wulfstan, archbishop of York, who probably took an active part in the legislation of Æthelred, denounced the practice in his homilies,[19] and also complained that men's thrall-right was narrowed. This is significant as pointing to a more humane doctrine, whatever the practice may have been, than that of the earlier Roman law. It seems that even the thrall had personal rights of some sort, though we are not able with our present information to specify them. Towards the end of the eleventh century the slave trade from Bristol to Ireland (where the Danes were then in power) called forth the righteous indignation of another Wulfstan, the bishop of Worcester who held his place through the Conquest. He went to Bristol in person, and succeeded in putting down the scandal.[20] Its continued existence till that time is further attested by the prohibition of Æthelred and Cnut being yet again repeated in the laws of William the Conqueror.[21]

Free men sometimes enslaved themselves in times of distress as the only means of subsistence; manumission of such persons after the need was past would be deemed a specially meritorious work, if not a duty.[22] Sometimes well-to-do people bought slaves, and im-

[15] Wiht. 26.

[16] Hl. & E. 5: see Schmid thereon. The slave-traders were often foreigners, possibly Jews. Ireland and Gaul were the main routes.

[17] In. 11. [18] Æthelr. v. 2, vi. 9; Cn. ii. (leges saeculares) 3.

[19] Ed. A. Napier, Berlin, 1883, pp. 129, *n.*, 158, 160-1.

[20] Will. Malm. *Vita Wulstani*, in Wharton *Ang. Sac.* ii. 258; quoted nearly in full, Freeman, *N. C.* iv. 386. [21] i. 41.

[22] Cod. Dipl. 925 (manumission by Geatflæd of 'all the men whose heads she took for their food in the evil days'). This and other examples are conveniently collected at the end of Thorpe's *Diplomatarium*.

mediately afterwards freed them for the good of their own souls, or the soul of some ancestor. At a later time we meet with formal sales by the lord to a third person in trust (as we should now say) to manumit the serf.[23] The Anglo-Saxon cases do not appear to be of this kind. Sometimes a serf 'bought himself' free. We may suppose that a freedman was generally required or expected to take his place among the free dependents of his former master; and the express licence to the freedman to choose his own lord, which is occasionally met with, tends to show that this was the rule. The lord's rights over the freedman's family were not affected if the freedman did leave the domain.[24] There is nothing to suggest that freedmen were treated as a distinct class in any other way. What has just been said implies that a bondman might acquire, and not unfrequently did acquire, money of his own; and, in fact, an ordinance of Alfred expressly makes the Wednesday in the four ember weeks a free day for him, and declares his earnings to be at his own disposal.[25] Moreover, even the earliest written laws constantly assume that a 'theow' might be able to pay fines for public offences.

On the whole the evidence seems to show that serfdom was much more of a personal bondage and less involved with occupation of particular land before the Norman Conquest than after; in short that it approached the slavery of the Roman law. Once, and only once, in the earliest of our Anglo-Saxon texts,[26] we find mention, under the name of *læt*, of the half-free class of persons called *litus* and other like names in continental documents. To all appearance there had ceased to be any such class in England before the time of Alfred: it is therefore needless to discuss their condition or origin.

There are traces of some kind of public authority having been required for the owner of a serf to make him free as regards third persons; but from almost the earliest Christian times manumission at an altar had full effect.[27] In such cases a written record was commonly preserved in the later Anglo-Saxon period at any rate, but it does not appear to have been necessary or to have been what we should now call an operative instrument. This kind of manumission disappears after the Conquest, and it was long disputed whether a freed bondman might not be objected to as a witness or oath-helper.[28]

[23] *Law Qu. Rev.* vii. 64.

[24] Wiht. 8: an archaic authority, but there is nothing to show any change.

[25] Ælf. 43 (as Schmid and the Latin version take it). Cp. Theod. *Pen.* xiii. 3 (Haddan and Stubbs, *Councils*, iii. 402).

[26] Æthelb. 26.

[27] Wiht. 8: 'If one manumits his man at the altar, let him be folk-free.'

[28] Glanvill, ii. 6. Details on Anglo-Saxon servitude may be found in Kemble, *Saxons in England*, bk. i. c. 8, and Larking, *Domesday Book of Kent*, note 57.

II

We now turn to judicial institutions. An Anglo-Saxon court, whether of public or private justice, was not surrounded with such visible majesty of the law as in our own time, nor furnished with any obvious means of compelling obedience. It is the feebleness of executive power that explains the large space occupied in archaic law by provisions for the conduct of suits when parties make default. In like manner the solemn prohibition of taking the law into one's own hands without having demanded one's right in the proper court shows that law is only just becoming the rule of life. Such provisions occur as early as the dooms of Ine of Wessex,[29] and may preserve the tradition of a time when there was no jurisdiction save by consent of the parties. Probably the public courts were always held in the open air; there is no mention of churches being used for this purpose, a practice which was expressly forbidden in various parts of the continent when court houses were built. Private courts were held, when practicable, in the house of the lord having the jurisdiction, as is shown by the name *halimote* or hall-moot. This name may indeed have been given to a lord's court by way of designed contrast with the open-air hundred and county courts. The manor-house itself is still known as a court in many places in the west and south-east of England.[30]

So far as we can say that there was any regular judicial system in Anglo-Saxon law, it was of a highly archaic type. We find indeed a clear enough distinction between public offences and private wrongs. Liability to a public fine or, in grave cases, corporal or capital punishment, may concur with liability to make redress to a person wronged or slain, or to his kindred, or to incur his feud in default. But neither these ideas nor their appropriate terms are confused at any time. On the other hand there is no perceptible difference of authorities or procedure in civil and criminal matters until, within a century before the Conquest, we find certain of the graver public offences reserved in a special manner for the king's jurisdiction.

The staple matter of judicial proceedings was of a rude and simple kind. In so far as we can trust the written laws, the only topics of general importance were manslaying, wounding, and cattle-stealing. So frequent was the last-named practice that it was by no means easy for a man who was minded to buy cattle honestly to be sure that he was not buying stolen beasts, and the Anglo-Saxon dooms are full of elaborate precautions on this head, to which we shall return presently.

[29] In. 9. The wording 'wrace dó' is vague: doubtless it means taking the other party's cattle.

[30] *E.g.* Clovelly Court, N. Devon. Cp. *Rentalia et Custumaria*, Somerset Record Society, 1891, Glossary *s. v.* Curia. It is also common in Gloucestershire, Cheshire, and Kent. The word *halimote* is not known to occur before the Conquest. So far as it goes, this may favour the argument against the antiquity of private jurisdiction.

As to procedure, the forms were sometimes complicated, always stiff and unbending. Mistakes in form were probably fatal at every stage. Trial of questions of fact, in anything like the modern sense, was unknown. Archaic rules of evidence make no attempt to apply any measure of probability to individual cases.[31] Oath was the primary mode of proof, an oath going not to the truth of specific facts, but to the justice of the claim or defence as a whole. The number of persons required to swear varied according to the nature of the case and the rank of the persons concerned. Inasmuch as the oath, if duly made, was conclusive, what we now call the burden of proof was rather a benefit than otherwise under ancient Germanic procedure. The process of clearing oneself by the full performance of the oath which the law required in the particular case is that which later medieval authorities call 'making one's law,' *facere legem*. It remained possible, in certain cases, down to quite modern times. An accused person who failed in his oath, by not having the proper number of oath-helpers[32] prepared to swear, or who was already disqualified from clearing himself by oath, had to go to one of the forms of ordeal in the later Anglo-Saxon period. Down to the ninth century the opposition of the church appears to have kept ordeal outside the recognised law.[33] Trial by combat was to all appearance as unknown to the Anglo-Saxon procedure as to that of the Salic law,[34] though it was formally sanctioned on the continent by Gundobald, king of the Burgundians, at the very beginning of the sixth century.[35] An apparently genuine ordinance of William the Conqueror enables Englishmen to make use of trial by battle in their lawsuits with Normans, but expressly allows them to decline it. This is strong to prove that it was not an English institution in any form.[36] Permitted or justified private war, of which we do find considerable traces in England,[37] is quite a different matter. The Anglo-

[31] Brunner, *D. R. G.* ii. 375.

[32] The usual modern term 'compurgator' was borrowed by legal antiquaries from ecclesiastical sources in much later times. It is strange that our ancestors had no technical term of their own for matters of constant practical use; but there is no authority for any in this case.

[33] E. & G. 9, 'be ordéle and áðum,' is the first mention of ordeal we have in England. It is still more significant that the later formulas (Schmid, App. xvii.) are copied from Frankish sources. See Brunner, *D. R. G.* ii. 402.

[34] The appearance of 'orest' [this is a correct Northern form = Eng. *cornest*] among the privileges of Waltham Abbey, *Cod. Dipl.* 813, is probably due to a post-Norman scribe, for our text rests on a very late copy. At all events the charter is only a few years before the Conquest. However, trial by battle may well have been known in the Danelaw throughout the tenth century.

[35] Lex Burgund. viii. § 2, xlv. Fustel de Coulanges, *La Monarchie franque*, p. 453; G. Neilson, *Trial by Combat*.

[36] Will. II. (Willelmes cyninges ásetnysse).

[37] Ælf. 42. Sir James Stephen's statement (*Hist. Cr. L.* i. 61) that 'trial by battle was only private war under regulations' cannot be accepted.

Norman judicial combat belongs to a perfectly regular and regulated course of proceeding, is as strictly controlled as any other part of it, and has no less strictly defined legal consequences.

A 'fore-oath,' distinct from the definitive oath of proof, was required of the party commencing a suit, unless the fact complained of were manifest; thus a fore-oath was needless if a man sued for wounding and showed the wound to the court.

As regards the constitution of Anglo-Saxon courts, our direct evidence is of the scantiest. We have to supplement it with indications derived from the Anglo-Norman and even later times.

One certain and very well-known peculiarity of the Anglo-Saxon period is that secular and ecclesiastical courts were not separated, and the two jurisdictions were hardly distinguished. The bishop sat in the county court; the church claimed for him a large share in the direction of even secular justice,[38] and the claim was fully allowed by princes who could not be charged with weakness.[39] Probably the bishop was often the only member of the court who possessed any learning or any systematic training in public affairs.

The most general Anglo-Saxon term for a court or assembly empowered to do justice is *gemót*. In this word is included all authority of the kind from the king and his Witan [40] downwards. *Folc-gemót* appears to mean any public court whatever, greater or less. The king has judicial functions, but they are very far removed from our modern way of regarding the king as the fountain of justice. His business is not to see justice done in his name in an ordinary course, but to exercise a special and reserved power which a man must not invoke unless he has failed to get his cause heard in the jurisdiction of his own hundred.[41] Such failure of justice might happen not from ill-will or corruption on the part of any public officer, but from a powerful lord protecting offenders who were his men.[42] In such cases the king might be invoked to put forth his power. It is obvious that the process was barely distinguishable from that of combating an open rebellion.[43]

After the Norman Conquest, as time went on, the king's justice became organised and regular, and superseded nearly all the functions of the ancient county and hundred courts. But the king's power to do justice of an extraordinary kind was far from being abandoned. The great constructive work of Henry II and Edward I made it less important for a time. In the fifteenth and sixteenth centuries it showed its vitality in the hands of the king's

[38] Edg. iii. 5 (third quarter of tenth century); 'Institutes of Polity' in Thorpe, *A. L.* ii.; Theod. *Pen.* II. ii. 4 (Haddan & Stubbs, *Councils*, iii. 191).

[39] Writ of Cnut from *York Gospel Book*, Stubbs, *Sel. Ch.* 75.

[40] 'Witenagemót' does not appear to have been an official term.

[41] Edg. iii. 2, repeated Cnut, ii. 17.

[42] Æthelst. ii. 3. [43] Cf. Æthelst. vi. (*Jud. Civ. Lund.*) 8 §§ 2, 3.

chancellors, and became the root of the modern system of equity.[44] Down to our own time that system preserved the marks of its origin in the peculiar character of the compulsion exercised by courts of equitable jurisdiction. Disobedience to their process and decrees was a direct and special contempt of the king's authority, and a 'commission of rebellion' might issue against a defendant making default in a chancery suit, however widely remote its subject matter might be from the public affairs of the kingdom.[45]

We have many examples, notwithstanding the repeated ordinances forbidding men to seek the king's justice except after failure to obtain right elsewhere, of the witan exercising an original jurisdiction in matters of disputed claims to book-land.[46] This may be explained in more than one way. Book-land was (as we shall see) a special form of property which only the king and his witan could create. Moreover, one or both parties to such suits were often bishops or the heads of great houses of religion, and thus the cause might be regarded as an ecclesiastical matter fit to be dealt with by a synod rather than by temporal authority, both parties doubtless consenting to the jurisdiction.

The charters that inform us of what was done, especially in 803 and 825 at the synods or synodal councils of Clovesho, that 'famous place' whose situation is now matter of mere conjecture,[47] leave no doubt that on these occasions, at least, the same assembly which is called a synod also acted as the Witan. The secular and spiritual functions of these great meetings might have been discriminated by lay members not taking part in the ecclesiastical business; but it is by no means certain that they were.[48] In any case it is highly probable that the prohibitions above cited were never meant to apply to the great men of the kingdom, or royal foundations, or the king's immediate followers.

The ordinary Anglo-Saxon courts of public justice were the county court and the hundred court, of which the county court was appointed to be held twice a year, the hundred every four weeks.[49] Poor and rich men alike were entitled to have right done to them, though the need of emphasising this elementary point of law in the third quarter of the tenth century suggests that the fact was often otherwise.[50]

Thus the hundred court was the judicial unit, so to speak, for ordinary affairs. We have no evidence that any lesser public court existed. It is probable enough that some sort of township meeting was held for the regulation of the common-field husbandry which prevailed throughout England: and the total absence of any written record of such meetings, or (so far as we know) allusion to them,

[44] Blackst. *Comm.*, iii. 51. [45] *Ib.* iii. 444.
[46] Cases collected in *Essays in Anglo-Saxon Law*, *ad fin.*
[47] Earle, *Land Charters*, 453. [48] Cf. Kemble, *Saxons in Eng.* ii. 247, 249.
[49] Edg. i. 1, iii. 5. [50] Edg. iii. 1.

hardly makes the fact less probable. But we have no ground whatever for concluding that the township-moot, if that were its name, had any properly judicial functions. And we must remember that the territorial extent of the hundred may have been smaller, and that of the township larger, than in later times.[51] 'Mark-moot,' which has been supposed to be the name of a primary court, appears rather to mean a court held on the marches of adjacent counties or hundreds, or perhaps on the boundary dyke itself.[52]

The ordinances which tell us of the times of meeting appointed for the county and hundred courts tell us nothing whatever of their procedure. It may be taken as certain, however, that they had no complete or efficient mode of compelling the attendance of parties or enforcing their orders. A man who refused to do justice to others according to the law could only be put out of the protection of the law, save in the cases which were grave enough to call for a special expedition against him. Outlawry, developed in the Danish period as a definite part of English legal process, remained such until our own time. All this is thoroughly characteristic of archaic legal systems in general. Nothing in it is peculiarly English, not much is peculiarly Germanic.

Thus far we have spoken only of public jurisdiction. But we know that after the Norman Conquest England was covered with the private jurisdictions of lords of various degrees, from the king himself downwards, holding courts on their lands at which their tenants were entitled to seek justice in their own local affairs, and bound to attend that justice might be done to their fellows. 'Court baron' is the most usual modern technical name for a court of this kind. Further, we know that private jurisdiction existed on the continent much earlier, and that it existed in England in the early part of the eleventh century. It is a question not free from doubt whether the institution was imported from the continent not long before that time, or on the contrary had been known in England a good while before, perhaps as early as the date of our earliest Anglo-Saxon laws and charters, notwithstanding that it is not expressly and directly mentioned in documents of the earlier period.

There is no doubt that the words 'sac and soc,' whatever their exact individual meaning may be, import, when used together, the power of exercising private jurisdiction, and the right to take and enjoy the profits thereof. Now the first authentic appearance of these words in a formal document is in or very soon after the year 1020, in a writ issued by Cnut to confirm the new archbishop Æthelnoth in the temporalities of the see of Canterbury,[53] where the privi-

[51] F. W. Maitland, 'The Surnames of English Villages,' *Archæol. Rev.* iv. 233, 239

[52] Cf. Schmid, *Ges. d. A.-S.* Gloss., *s. v.* Mearc.

[53] Earle, *Land Charters*, p. 232; first published by Kemble in the Archæologica Journal, 1857. Its terms are closely followed by a writ of Edward the Confessor, sup

lege of 'sac and sóca' among others is expressly granted. And this might lead to the inference that private jurisdiction did not exist in England, or existed only as an abuse and encroachment of powerful men, 'iniuste et per vim,' in the language of the Anglo-Norman time, before the year 1000 or thereabouts. But we must observe that this writ of Cnut does not by any means purport or appear, on the face of it, to be doing anything new or unusual. Nor was there any reason at that time why Cnut should extend the privileges of the see of Canterbury at the expense of the crown. If there were anything new in the form of the grant, it seems at least as likely that the king, though neither willing nor able to interfere with the privileges of the church as he found them, took the occasion to represent them as expressly derived from his own authority. We have already pointed out that the notion of all jurisdiction and public justice proceeding from the king does not belong to the Anglo-Saxon period. And it may well be thought that the introduction of formal words of jurisdiction in the documents of the eleventh century marks, not the encroachment of lords on the office of the popular courts, but the increasing power of the king, and the determination to have his supremacy at least nominally recognised. Thus viewed, it would be a step in the direction of the far more thorough measures afterwards carried out by Edward I. Positive proof is not forthcoming, but the language of earlier charters is at least as compatible with this opinion as with the contrary one. In all feudal jurisprudence and in all medieval arguments, whether in the municipal courts of European states or between sovereign princes themselves, which proceeded on feudalist assumptions, it was an unquestioned principle that jurisdiction was the natural fruit and incident of the privileges summed up as 'immunities.'[51] And it is now almost a commonplace of history that the Norman Conquest, in imposing feudalism on England, did but accelerate a process that was already begun. It is difficult to suppose that private jurisdiction, the most essential point of feudalism, was among the latest to be adopted.

III

Proceeding to the usual subject matters of Anglo-Saxon jurisdiction, we find what may be called the usual archaic features. The only substantive rules that are at all fully set forth have to do with offences and wrongs, mostly those which are of a violent kind, and with theft, mostly cattle-lifting. Except so far as it is involved in the law of theft, the law of property is almost entirely

posed by Mr. Adams (*Essays in Anglo-Saxon Law*, p. 47) to be the first of its kind, and Norman in form.

[51] Cp. G. H. Blakesley, 'Manorial Jurisdiction,' *L. Q. R.* v. 113. Space does not allow of a detailed discussion here. The matter has to be considered in connexion with 'immunity' as a whole.

left in the region of unwritten custom and local usage. The law of contract is rudimentary, so rudimentary as to be barely distinguishable from the law of property. In fact people who have no system of credit and very little foreign trade, and who do nearly all their business in person and by word of mouth with neighbours whom they know, have not much occasion for a law of contract. It is not our purpose to consider in this place the relation of Anglo-Saxon customs and ordinances to those of Germanic nations on the continent; to inquire, for example, why the Salic or the Lombard laws should present striking resemblances even in detail to the laws of Alfred or Cnut, but provide with equal or greater minuteness for other similar cases on which the Anglo-Saxon authorities are silent. In the period of antiquarian compilation which set in after the Norman Conquest, and of which the so-called laws of Henry I are the most conspicuous product, we see not only imitation of the continental collections, but sometimes express reference to their rules.[55] But this kind of reference, at the hands of a compiler who could also quote the Theodosian code,[56] throws no light whatever on the possibilities of continental influence at an earlier time. It is highly probable that Alfred and his successors had learned persons about them who were more or less acquainted with Frankish legislation if not with that of remoter kingdoms. But it suffices to know that, in its general features, Anglo-Saxon law is not only archaic, but offers an especially pure type of Germanic archaism. We are therefore warranted in supposing, where English authority fails, that the English usages of the Anglo-Saxon period were generally like the earliest corresponding ones of which evidence can be found on the continent.

Preservation of the peace and punishment of offences were dealt with, in England as elsewhere, partly under the customary jurisdiction of the local courts, partly by the special authority of the king. In England that authority gradually superseded all others. All criminal offences have long been said to be committed against the king's peace; and the phrase, along with 'the king's highway,' has passed into common use as a kind of ornament of speech, without any clear sense of its historical meaning. The two phrases are, indeed, intimately connected; they come from the time when the king's protection was not universal but particular, when the king's peace was not for all men or all places, and the king's highway was in a special manner protected by it. Breach of the king's peace was an act of personal disobedience, and a much graver matter than an ordinary breach of public order; it made

[55] Hen. c. 87 § 10, 89 § 1, *secundum legem Saligam*; 90 § 4, *secundum legem Ribuariorum solvatur.*

[56] *Ib.* c. 33 § 4, *de libro Theodosianae legis, iniuste victus infra tres menses reparet causam.* The quotation is really from an epitome of the *Lex Romana Visigothorum.*

the wrong-doer the king's enemy. The notion of the king's peace appears to have had two distinct origins. There were, first, the special sanctity of the king's house, which may be regarded as differing only in degree from that which Germanic usage attached everywhere to the homestead of a free man; and, secondly, the special protection of the king's attendants and servants, and other persons whom he thought fit to place on the same footing. In the later Anglo-Saxon period the king's particular protection is called 'griδ' as distinct from the more general word 'friδ.' Although the proper name is of comparatively recent introduction (A. S. Chron. A.D. 1002) and of Scandinavian extraction, the thing seems to answer to the Frankish *sermo* or *verbum regis*, which is as old as the Salic law.[57] The rapid extension of the king's peace till it becomes, after the Norman Conquest, the normal and general safeguard of public order, seems peculiarly English.[58] On the continent the king appears to have been recognised as protector of the general peace, besides having power to grant special protection or peace of a higher order, from a much earlier time.[59]

It is not clear whether there was any fixed name for the general peace which was protected only by the hundred court and the ealdorman. Very possibly the medieval usage by which an inferior court was said to be in the peace of the lord who held the court[60] may go back in some form to the earliest time when there were any set forms of justice; and there is some evidence that in the early part of the tenth century men spoke of the peace of the Witan.[61] We have not found English authority for any such term as *folk-peace*, which has sometimes been used in imitation of German writers. No light is thrown on early Anglo-Saxon ideas or methods of keeping the peace by the provision that every man shall be in a hundred and tithing. For it first appears in this definite form in the laws of Cnut,[62] and it has every appearance of being a

[57] Fustel de Coulanges, *Origines du système féodal*, p. 300 *sqq.* *Lex Sal.* xiii. 6, lvi. 2, *Capit.* v. (*edict of Chilperic*) 9. To be out of the king's protection is to be *extra sermonem suum, foras nostro sermone*. In xiv. 4, *praeceptum* appears to be the king's written protection or licence. The phrase in Ed. Conf. 6 § 1 (cf. Brunner, *D. R. G.* ii. 42), *ore suo utlagabit eum rex*, or, as Roger of Hoveden gives it, *utlagabit eum rex verbo oris sui*, looks more like the confused imitation of an archaising compiler than a genuine parallel.

[58] For details see F. Pollock, *Oxford Lectures*, 1890, 'The King's Peace,' *op. cit.* 65.

[59] Brunner, ii. §§ 65, 66, who calls attention (p. 42) to the relative weakness of the crown in England.

[60] See 13th and 14th cent. precedents for opening a court in 'The Court Baron' (*Selden Soc.*, ed. F. W. Maitland, 1891).

[61] Edw. II, 1. Schmid, Gloss. *s. v.* Friede, considers the general peace to have been the king's peace in some sense. This lacks authority, but is nearer the truth than talking of *Volksfriede*: it seems accepted as regards the Continent: Brunner *op. cit.*

[62] ii. 20.

deliberate piece of legislation. This, however, is a matter of administrative mechanism rather than of the law itself.

In Anglo-Saxon as well as in other Germanic laws we find that the idea of wrong to a person or his kindred is still primary, and that of offence against the common weal secondary, even in the gravest cases. Only by degrees did the modern principles prevail, that the members of the commonwealth must be content with the remedies afforded them by law, and must not seek private vengeance, and that on the other hand public offences cannot be remitted or compounded by private bargain.

Personal injury is in the first place a cause of feud, of private war between the kindreds of the wrong-doer and of the person wronged. This must be carefully distinguished from a right of specific retaliation, of which there are no traces in Germanic law.[63] But the feud may be appeased by the acceptance of a composition. Some kind of arbitration was probably resorted to from a very early time to fix the amount. The next stage is a scale of compensation fixed by custom or enactment for death or minor injuries, which may be graduated according to the rank of the person injured. Such a scale may well exist for a time without any positive duty of the kindred to accept the composition if offered. It may serve only the purpose of saving disputes as to the amount proper to be paid where the parties are disposed to make peace. But this naturally leads to the kindred being first expected by public opinion and then required by public authority not to pursue the feud if the proper composition is forthcoming, except in a few extreme cases which also finally disappear. At the same time, the wrong done to an individual extends beyond his own family; it is a wrong to the community of which he is a member; and thus the wrong-doer may be regarded as a public enemy. Such expressions as 'outlaw against all the people' in the Anglo-Saxon laws preserve this point of view.[64] The conception of an offence done to the State in its corporate person, or (as in our own system) as represented by the king, is of later growth.

Absolute chronology has very little to do with the stage of growth or decay in which archaic institutions, and this one in particular, may be found in different countries and times. The Homeric poems show us the blood-feud in full force in cases of manslaying (there is little or nothing about wounding), tempered by ransom or composition which appears to be settled by agreement or arbitration in each case. In the classical period of Greek history this has wholly disappeared. But in Iceland, as late as the time of the Norman conquest of England, we find a state of society which

[63] Par. 19 of he introduction to Alfred's laws, copied from the book of Exodus, is of course no exception.

[64] Cp. Grettis Saga, c. 79.

takes us back to Homer. Manslayings and blood-feuds are constant, and the semi-judicial arbitration of wise men, though often invoked, is but imperfectly successful in staying breaches of the peace and reconciling adversaries. There is not even any recognised scale of compositions. In the Germanic laws both of England and of the mainland we find a much more settled rule some centuries earlier. Full scales of composition are established. A freeman's life has a regular value set upon it, called *wergild*, literally 'man's price' or 'man-payment,'[65] or oftener in English documents 'wer' simply.

For injuries to the person short of death there is an elaborate tariff; the modern practice of assessing damages, though familiar to Roman law in the later republican period, is unknown to early Germanic law, nor were there in Germanic procedure any means of applying the idea if it had existed. Composition must generally be accepted if offered; private war is lawful only when the adversary obstinately refuses to do right. In that case indeed, as we learn from a well-known ordinance of Alfred,[66] the power of the ealdorman, and of the king at need, may be called in if the plaintiff is not strong enough by himself; in other words the contumacious denier of justice may be dealt with as an enemy of the commonwealth. At a somewhat later time we find the acceptance and payment of compositions enforced by putting the obligation between the parties under the special sanction of the king's peace.[67] But it was at least theoretically possible, down to the middle of the tenth century, for a manslayer to elect to bear the feud of the kindred.[68] His own kindred, however, might avoid any share in the feud by disclaiming him; any of them who maintained him after this, as well as any of the avenging kinsfolk who meddled with any but the actual wrong-doer, was deemed a foe to the king (the strongest form of expressing outlawry) and forfeited all his property.

We find the public and private aspects of injurious acts pretty clearly distinguished by the Anglo-Saxon terms. *Wer*, as we have said, is the value set on a man's life, increasing with his rank. For many purposes it could be a burden as well as a benefit; the amount of a man's own *wer* was often the measure of the fine to be paid for his offences against public order. *Wite* is the usual word for a penal fine payable to the king or to some other public authority. *Bót* (the modern German *Busse*) is a more general word, including compensation of any kind. Some of the gravest offences, especially against the king and his peace, are said to be

[65] Grimm, *D. R. A.* 651. An archaic synonym *leód* occurs Æthelb. 22, 23, cp. Grimm, 652.

[66] Ælf. 42.

[67] Edm. II. 7, and 'Be Wergilde' (Schmid, App. vii.) § 4.

[68] Edm. II. 1. Æthelr. II. 6 § 1, suggests but hardly proves a change, leaving the option with the slain man's kindred alone, though such is held to have been the settled rule on the Continent: Brunner, *D. R. G.* i. 163.

bótleás, 'bootless;' that is, the offender is not entitled to redeem himself at all, and is at the king's mercy. The distinction between *wer* and *wíte* must be very ancient; it corresponds to what is told us of German custom by Tacitus.[69]

The only punishments, in the proper sense, generally applicable to freemen, were money fines, and death in the extreme cases where redemption with a money fine was not allowed. Mutilation and other corporal punishments are prescribed (but with the alternative of redemption by a heavy fine) for false accusers, for habitual criminals, and for persons of evil repute who have failed in the ordeal.[70]

Imprisonment occurs in the Anglo-Saxon laws only as a means of temporary security. Slaves were, of course, liable to capital and other corporal punishment, and generally without redemption. The details have no material bearing on the general history of the law, and may be left to students of semi-barbarous manners. Outlawry, at first a declaration of war by the commonwealth against an offending member, became a regular means of compelling submission to the authority of the courts, as in form it continued so to be down to modern times.[71] In criminal proceedings, however, it was used in, or very soon after, Alfred's time, that is, about the end of the ninth century, as a substantive penalty for violent resistance to legal process or persistent contempt of court.[72] Before the Conquest outlawry involved not only forfeiture of goods to the king, but liability to be killed with impunity. It was no offence to the king to kill his enemy, and the kindred might not claim the wergild.[73] It was thought, indeed, down to the latter part of the sixteenth century, that the same reason applied to persons under the penalties appointed by the statutes of *praemunire*, which expressly included being put out of the king's protection.[74]

It would appear that great difficulty was found both in obtaining specific evidence of offences, and in compelling accused and suspected persons to submit themselves to justice, and pay their fines if convicted. This may serve to explain the severe provisions of the later Anglo-Saxon period against a kind of persons described as

[69] Tac., *Germ.* c. 12. *Bót* is closely connected with *better*: the idea is 'making good.'

[70] In. 18, Ælf. 32, Cn. ii. 16, 30. The 'folk-leasing' of Alfred's law must be habitual false accusation in the folk-moot, not private slander.

[71] It was formally abolished in civil proceedings only in 1879, 42 & 43 Vict. c. 59, s. 3. In criminal matters it is still possible, see the Statute Law Revision Act, 1888, s. 1. But it has not been in use for a generation or more.

[72] E. & G. 6 § 6 (where the outlawry for slaying an officer collecting the Church's dues appears to ensue *ipso facto*), cp. Edg. i. 3, Æthelr. i. 1 § 9, and many later passages.

[73] E. & G. 6 § 7: the outlaw, if slain, shall lie *ágylde*, the exact equivalent of the Homeric *νήποινος*.

[74] Co. Litt. 130 *a*, Blackst. *Comm.* iv. 118, 5 *Eliz.* c. 1.

'frequently accused,' 'of no credit.'[75] One who had been several times charged (with theft, it seems we must understand), and kept away from three courts running, might be pursued and arrested as a thief, and treated as an outlaw if he failed to give security to answer his accusers.[76] A man of evil repute is already half condemned, and if he evades justice it is all but conclusive proof of guilt. In communities where an honest man's neighbours knew pretty well what he was doing every day and most of the day, this probably did not work much injustice. And English criminal procedure still held to this point of view two centuries after the Conquest. It may be said to linger even nowadays in the theoretical power of grand juries to present offences of their own knowledge.

Several passages, and those from a period of comparatively settled government, show that great men, whose followers had committed crimes, often harboured and maintained them in open defiance of common right.[77] If it was needful for Æthelstan, the victor of Brunanburh, to make ordinances against lawlessness of this kind, we can only think that weaker princes left it without remedy, not because the evil was less in their days, but because they had no power to amend it. The same thing was common enough in the Scottish highlands as late as the early part of the eighteenth century.[78]

Putting together these indications of a feeble executive power, we are apt to think that the absence of trial by battle from Anglo-Saxon procedure can best be explained by the persistence of extra-judicial fighting. Gundobald of Burgundy, and other Germanic rulers after him, tempted their subjects into court by a kind of compromise. It is hardly possible to suppose that their ostensible reason of avoiding perjury was the real one. Rather it was understood, though it could not be officially expressed, that Burgundian and Lombard[79] freemen would submit to being forbidden to fight out of court on the terms of being allowed to fight under legal sanction, thus combining the physical joy of battle with the intellectual luxury of strictly formal procedure. It seems plausible to

[75] Eng. *tiht-bysig, folce ungetrÿwe*, Lat. *incredibilis*. The idea is the contradiction of *getrÿwe* = *homo probus* or *legalis*. *Folce* or *eallum folce* signifies merely notoriety: we cannot find in the text, as some writers have done, a doctrine of fealty to the people as a quasi-sovereign.

[76] Edg. iii. 7, Cn. ii. 33, cp. *ib.* 22.

[77] Æthelst. ii. 3, cp. 17, iv. 3. Cp. too vi. 8, as to over-powerful clans.

[78] Cp. Baillie Nicol Jarvie on the state of the Highlands, *Rob Roy*, ii. ch. 12 (original edition).

[79] Liutprand, A.D. 731, openly regretted that trial by combat could not be abolished (Liutpr. a. xix. c. 118: *incerti sumus de iudicio dei, et multos audiuimus per pugnam sine iustitia causam suam perdere: sed propter consuitutinem gentis nostrae langobardorum legem ipsam uetare non possumus*). Avitus, archbishop of Vienne († 525) protested against Gundobald's ordinance.

suppose that the mechanism of Anglo-Saxon government was not commonly strong enough to accomplish even this.

Offences specially dealt with in various parts of the Anglo-Saxon laws are treason, homicide, wounding and assault (which, however, if committed by free men, are more wrongs than crimes), and theft. Treason to one's lord, especially to the king, is a capital crime. And the essence of the crime already consists in compassing or imagining the king's death, to use the later language of Edward III's Parliament.[80] The like appears in other Germanic documents.[81] It seems probable, however, that this does not represent any original Germanic tradition, but is borrowed from the Roman law of *maiestas*, of which one main head was plotting against the lives of the chief magistrates.[82] No part of the Roman law was more likely to be imitated by the conquerors of Roman territory and provinces; and when an idea first appears in England in Alfred's time, there is no difficulty whatever in supposing it imported from the continent. Not that rulers exercising undefined powers in a rude state of society needed the Lex Julia to teach them the importance of putting down conspiracies at the earliest possible stage. We are now speaking of the formal enunciation of the rule. On the other hand the close association of treason against the king with treason against one's personal lord who is not the king is eminently Germanic. This was preserved in the 'petty treason' of medieval and modern criminal law.

The crime of treason was unatonable,[83] and the charge had to be repelled by an oath adequate in number of oath-helpers, and perhaps in solemnity, to the wergild of the king or other lord as the case might be. If the accused could not clear himself by oath, and was driven to ordeal, he had to submit to the threefold ordeal,[84]

[80] Ælf. 4.

[81] Ed. Roth. 1 (L. Langob.) *contra animam regis cogitaverit aut consiliaverit*; L. Sax. iii. 1, *de morte consiliatus fuerit*; so L. Baiuw. ii. 1, L. Alam. xxiv: *mortem ducis consiliatus fuerit*; cp. Brunner, *D. R. G.* ii. 688.

[82] The following words no doubt substantially represent the text of the lex Julia: *Cuiusve opera* consilio *dolo malo* consilium initum erit *quo quis magistratus populi Romani quive imperium potestatemve habeat occidatur.* D. 48. 4. *ad l. Iuliam maiestatis*, 1 § 1. The *consiliaverit, consiliatus fuerit*, of the Germanic laws can hardly be an accidental resemblance. In the title of the Saxon law the term *laesa dominatione* is used. In Glanv. xiv. 1. = *Reg. M.* iv. 1, the principal terms are *machinatum fuisse vel aliquid fecisse*, but *consilium dedisse* is there too.

[83] Cn. ii. 64. Hen. 12.

[84] Ælf. 4, Æthelst. ii. 4, Æthelr. v. 30. vi. 37, Cn. ii. 57. This last passage, in its literal terms, would not allow purgation by oath-helpers at all, but send the accused straight to the ordeal. So great a change of the previous law can scarcely have been intended. Æthelred's ordinance, vi. 37, requires the 'deepest oath,' whatever that was. Cp. Godwine's oath *cum totius fere Angliae principibus et ministris dignioribus*, Flor. Wigorn. *s. a.* 1040. Possibly Danish law may have been stricter than English. We hear of an oath of 48 thanes against the charge of robbing a corpse: *Be walrâfe*, Schmid, App. xv. in a document apparently of Danish extraction, see Brunner *D. R. G.* ii. 684.

that is, the hot iron was of three pounds' weight instead of one pound, or the arm had to be plunged elbow-deep instead of wrist-deep into the boiling water.[85]

Homicide appears in the Anglo-Saxon dooms as a matter for composition in the ordinary case of slaying in open quarrel. There are additional public penalties in aggravated cases, as where a man is slain in the king's presence or otherwise in breach of the king's peace. And a special application of the king's protection is made in favour of strangers; a matter of some importance when we remember that before the time of Alfred a Mercian was a stranger in Kent, and a Wessex man in Mercia. Two-thirds of a slain stranger's *wer* goes to the king. We find a rudiment of the modern distinction between murder and manslaughter, but the line is drawn not between wilful and other killing, but between killing openly and in secret. It would seem indeed that 'morð' at one time meant only killing by poison or witchcraft. The offence of 'morð' was unatonable, and the murderer, if ascertained, might be delivered over to the dead man's kindred.[86]

An outlaw might, as we have seen, be slain with impunity; and it was not only lawful but meritorious to kill a thief flying from justice.[87] An adulterer taken *in flagrante delicto* by the woman's lawful husband, father, brother, or son, might be killed without risk of blood-feud. In like manner homicide was excusable when the slayer was fighting in defence of his lord, or of a man whose lord he was, or of his kinsman; but a man must in no case fight against his own lord.[88] A man who slew a thief (or, it would seem, any one) was expected to declare the fact without delay, otherwise the dead man's kindred might clear his fame by their oath and require the slayer to pay wergild as for a true man.[89] We do not find any formalities prescribed in the genuine dooms. The safest course would no doubt be to report to the first credible person met with, and to the first accessible person having any sort of authority.[90]

Injuries and assaults to the person were dealt with by a minute scale of fixed compensations, which appears, though much abridged, as late as the post-Norman compilations. But rules of this kind are not heard of in practice after the Conquest. It is worth while to notice that the contumelious outrage of binding a free man, or shaving his head in derision, or shaving off his beard, was visited

[85] Edg. i. 9; *Dóm be hátan isene and wætre*, Schmid, App. xvi.

[86] Cn. ii. 56; Hen. 71, 92. See Schmid, Gloss. *s. v. morð*. (Cp. the old Norse adage 'Night-slaying is murder' (*Natt-vig er morð-vig*).

[87] In. 35, cp. 28; Æthelst. vi. (*Jud. Civ. Lund.*) 7; cp. Ed. Conf. 36.

[88] Ælf. 42. [89] In. 21.

[90] Hen. 83 § 6. The detailed instructions for laying out the slain man with his arms, &c., are curious but untrustworthy. The main object was to show that the killing was not secret.

with heavier fines than any but the gravest wounds.[91] In the modern common law compensation for insult, as distinct from actual bodily hurt, is arrived at only in a somewhat indirect fashion, by giving juries a free hand in the measure of damages. Accidental injuries are provided for in a certain number of particular cases. A man carrying a spear should carry it level on his shoulder in order to be free from blame if another runs upon the point. If the point is three fingers or more above the butt (so as to bring the point to the level of a man's face), he will be liable to pay *wer* in case of a fatal accident, and all the more if the point were in front (so that he could have seen the other's danger).[92] This is rational enough; but in the case of harm ensuing even by pure accident from a distinct voluntary act, we find that the actor, however innocent his intention, is liable, and that the question of negligence is not considered at all. *Legis enim est qui inscienter peccat, scienter emendet*, says the compiler of the so-called laws of Henry I,[93] translating, no doubt, an English proverb. There is no earlier English authority, but such is known to have been the principle of all old Germanic laws. It seems to have extended, or to have been thought by some to extend, even to harm done by a stranger with weapons which the owner had left unguarded. Cnut's laws expressly declare, as if it were at least an unsettled point, that only the actual wrong-doer shall be liable if the owner can clear himself of having any part or counsel in the mischief.[94] Borrowing or stealing another man's weapons, or getting them by force or fraud from an armourer who had them in charge for repair, seems to have been a rather common way of obscuring the evidence of manslaying, or making false evidence; and it was a thing that might well be done in collusion. One man would be ready to swear with his oath-helpers, 'I did not kill him,' the other, with equal confidence, 'No weapon of mine killed him.'[95] And in consequence, it would seem, of the general suspicion attaching to every one possibly concerned, an armourer was bound to answer to the owner at all hazards (unless it were agreed to the contrary) for the safe custody and return of weapons entrusted to him.[96]

The extreme difficulty of getting any proof of intention, or of

[91] Ælf. 35. For continental analogies, see Brunner, *D. R. G.* ii. 674.

[92] Ælf. 36 (probably enacted in consequence of some particular case in the king's court, or otherwise well known); cp. Hen. 88 §§ 1–3. The proviso as to holding the spear level is easily understood as referring to a spear of moderate length, which could not well be carried, like the long 16th–17th cent. pike, with the point so high up as to be wholly out of harm's way. The carriage of the 'puissant pike' was almost a special art when its time came.

[93] 88 § 6, 90 § 11. [þe] *brecht ungewealdes bete gewealdes*, in Germany *wer unwillig gethan musz willig zahlen*; see Heusler, *Inst. D. P. R.* ii. 263.

[94] Cn. ii. 75, cp. Hen. 87 § 2.

[95] See Ine 29, Ælf. 19.

[96] Ælf. 19 § 3, Hen. 87 § 3. A similar rule still has the force of law in Montenegro.

its absence, in archaic procedure is, perhaps, the best explanation of rules of this kind. At all events, they not only are characteristic of early German law, but they have left their mark on the developed common law to a notable extent. In modern times the principle of general responsibility for pure accidents arising from one's lawful act has been disallowed in the United States, and more lately in England. But, as regards the duty of safely keeping in cattle, and in the case of persons collecting or dealing with things deemed of a specially dangerous kind, the old Germanic law is still the law of this land and of the greater part of North America.

Fire, which English law has regarded for several centuries as a specially dangerous thing in this sense, and which is dealt with in some of the early Germanic dooms, is not mentioned for this purpose in our documents.[97] Liability for damage done by dogs is on the other hand rather elaborately dealt with by a scale of compensation increasing after the first bite.[98]

There are traces of the idea which underlay the Roman noxal actions, and which crops up in the mediæval rule of deodand, that where a man is killed by accident, the immediate cause of death, be it animate or inanimate, is to be handed over to the avenger of blood as a guilty thing. When men were at work together in a forest, and by misadventure one let a tree fall on another, which killed him, the tree belonged to the dead man's kinsfolk if they took it away within thirty days.[99] This kind of accident is still quite well known in the forest countries of Europe, as witness the rude memorial pictures, entreating the passer's prayers, that may be seen in any Tyrolese valley. Also a man whose beast wounded another might surrender the beast as an alternative for money compensation.[100]

Theft, especially of cattle and horses, appears to have been by far the commonest and most troublesome of offences. There is a solitary and obscure reference to 'stolen flesh' in Ine 17. Perhaps this is to meet the case of a thief driving cattle a certain distance and then slaughtering them, and hiding the flesh apart from the hides and horns, which would be more easily identified. If we are surprised by the severity with which our ancestors treated theft, we have only to look at the prevalence of horse-stealing in the less settled parts of the western American states and territories in our own time, and the revival of archaic methods for its abatement. Collusion with thieves on the part of seemingly honest folk appears to have been thought quite possible: Cnut required every man above twelve years to swear that he would be neither a thief nor an accomplice with thieves,[101] and special penalties for letting a thief escape, or failing to raise, or follow, the hue and cry, point in the

[97] Ælf. 12 seems to relate only to wilful trespass in woods.
[98] Ælf. 23. [99] Ælf. 13. [100] Ælf. 24. [101] Cn. ii. 21.

same direction.[102] Slavery was a recognised penalty when the thief was unable to make restitution. This may be regarded as the working out of a debt rather than a punishment in the modern sense. But moreover the offender's whole family might lose their freedom as accomplices. The harshness of this rule was somewhat relaxed if the thief's wife could clear herself by oath from having had any part in stolen cattle which had been found in his house.[103] But as late as the early part of the eleventh century, Wulfstan's homily [104] complains that 'cradle-children' are unjustly involved in the slavery of their parents. All this, however, belongs to social antiquities rather than to legal history. The common law of theft is wholly post-Norman. Nor is it needful to dwell on the Anglo-Saxon treatment of special and aggravated forms of theft, such as sacrilege.[105] Stealing on Sunday, in Lent, and on Christmas, Easter, or Ascension Day, was punishable with a double fine by the old Wessex law.[106]

In a modern system of law we expect a large proportion of the whole to be concerned with the rules of acquiring, holding, and transferring property. We look for distinctions between land and moveables, between sale and gift, between acts completed among living persons and dispositions to take effect by way of inheritance. If the word property be extended to include rights created by contract, we may say that we contemplate under this head by far the greater and weightier part of the whole body of legal rules affecting citizens in their private relations. But if we came with such expectations to examine laws and customs so archaic as the Anglo-Saxon, we should be singularly disappointed. Here the law of property is customary and unwritten, and no definite statement of it is to be found anywhere, while a law of contract can hardly be said to exist, and, so far as it does exist, is an insignificant appurtenance to the law of property. But we must remember that even Hale and Blackstone, long after that view had ceased to be appropriate, regarded contract only as a means of acquiring ownership or possession. Yet more than this; it is hardly correct to say that Anglo-Saxon customs, or any Germanic customs, deal with ownership at all. What modern lawyers call ownership or property, the *dominium* of the Roman system, is not recognised in early Germanic ideas. Possession, not ownership, is the leading conception; it is possession that has to be defended or recovered, and to possess without dispute, or by judicial award after a dispute real or feigned, is the only sure foundation of title and end of strife. A right to possess, distinct from actual possession, must be admitted if there

[102] Cn. ii. 23. [103] In. 7, 57. [104] P. 158.

[105] As to robbing corpses, Schmid, App. xv. *Be Walreâfe.*

[106] Ælf. 5 § 5; the principle is reaffirmed, but so vaguely as to suggest that it had become obsolete in practice, in Cn. ii. 38.

is any rule of judicial redress at all; but it is only through the conception of that specific right that ownership finds any place in pure Germanic law. Those who have studied the modern learning of possessory rights and remedies are aware that the common law has never really abandoned this point of view.

Movable property, in Anglo-Saxon law, seems for all practical purposes to be synonymous with cattle. Not that there was no other valuable property, but arms, jewels, and the like, must with rare exceptions have been in the constant personal custody of the owners or their immediate attendants. Our documents leave us in complete ignorance of whatever rules existed. We may assume that actual delivery was the only known mode of transfer between living persons; that the acceptance of earnest-money and giving of pledges were customary means of binding a bargain; and that contracts in writing were not in use. There is no evidence of any regular process of enforcing contracts, but no doubt promises of any special importance were commonly made by oath, with the purpose and result of putting them under the sanction of the Church. There is great reason to believe that everywhere or almost everywhere a religious sanction of promises has preceded the secular one,[107] and that honourable obligation has been more effective than might be supposed in aiding or supplementing the imperfections of legality.[108] Apparently the earliest form of civil obligation in German law was the duty of paying wergild. Payment, when it could not be made forthwith, was secured by pledges, which no doubt were originally hostages. Gradually the giving of security sinks into the background, and the deferred duty of payment is transformed into a promise to pay. But our Anglo-Saxon authorities are of the very scantiest. We find the composition of a feud secured by giving pledges and the payments by instalments regulated;[109] and in Alfred's laws there is mention of a solemn kind of promise called 'god-borh;' if a suit is brought upon it, the plaintiff must make his fore-oath in four churches, and when that has been done, the defendant must clear himself in twelve, so that falsehood on either side would involve manifold perjury and contempt of the church and the saints.[110] Here we seem to have a mixture of secular and ecclesiastical sanctions, rendered all the easier by the bishop constantly being, as we have seen, the chief judicial officer of the shire. But this must have been a very special

[107] Muirhead, *Private Law of Rome*, 149, 163, 227 (origin of Stipulation).

[108] The Roman words *credere*, *fides*, *spondere*, involve a whole history of this kind. Pernice, Labeo, i. 409; Pacchioni, *Actio ex Sponsu*, Bologna, 1888: *Ehrenverpfändung* in German formulas as late as 15th cent., see Kohler, *Shakespeare vor dem Forum der Jurisprudenz*, 1884, app.

[109] Edm. ii. 7, and 'Be Wergilde,' Schmid, App. vii.

[110] Elf. 33. Cp. the provisions as to 'briduw' in the laws of Howel (10th cent.). ap. Haddan and Stubbs, i. 237, 271.

procedure, and probably confined to persons of high rank. And it is hard to tell what the subject-matter of these solemn undertakings can have been, unless it were marriages of the parties' children and what we now should call family settlements, and, perhaps, reconciliation of standing feuds. We may guess, from what little is known of the practice of local courts in the twelfth and thirteenth centuries, that before the Conquest the hundred courts did to some extent do justice in matters of bargain and promise in the ordinary affairs of life. But we have no direct information whatever.

On the other hand there runs persistently through the Anglo-Saxon laws a series of ordinances impressing on buyers of cattle the need of buying before good witnesses. But this has nothing to do with the validity of the sale between the parties. The sole purpose, judging by the terms and context of these enactments, is to protect the buyer against the subsequent claims of any person who might allege that the cattle had been stolen from him. Difficulties of this kind were especially rife when the sale had been made (in the earlier times) in another English kingdom, or up the country. Hlothær and Eadric laid down the precautions to be observed by a Kentish man buying cattle in London, then a Mercian town.[111] Evidently great suspicion attached to sales made anywhere out of open market. Some ordinances require the presence of the port-reeve or other credible men at sales without the gates; others attempt to prohibit selling altogether except in towns. Afterwards witnesses are required in town and country alike,[112] and in the latest period we find the number of four witnesses specified.[113] A buyer who neglected to take witness was liable to eviction, if the cattle were claimed as stolen, without even the chance of calling the seller to warrant him, and he might also incur a forfeiture to the lord of the place, and be called on to clear himself by oath of any complicity in the theft. If he had duly taken witness, he still had to produce the seller, or, if the seller could not be found, to establish his own good faith by oath.

If the seller appeared, he had in turn to justify his possession, and this process might be carried back to the fourth remove from the ultimate purchaser. These elaborate provisions for vouching to warranty (A.-S. teám)[114] or the custom on which they were founded, persisted for some time after the Norman Conquest,[115] and are interesting by their analogy to the doctrine of warranty in

[111] Hl. & E. 16. The supposed 'improbability of a Kentish king making a law for purchases made in the Mercian city of London' (Thorpe's note *ad loc.*) is imaginary. The law applies to a claim made in Kent by a Mercian professing to be the true owner, and it is to be executed wholly in Kent.

[112] Edg. iv. 6, Cn. ii. 24. [113] Will. i. 45.

[114] See Æthelr. ii. 'Be teámum' and Schmid's Glossary *s. vv.* Käufe, Teám.

[115] Glanv. x. 15–17.

the law of real property, which afterwards underwent a far more full and technical development, and remained, long after it had been forgotten in practice, at the foundation of many parts of modern conveyancing. The dooms of Ine contain a curious archaic provision [116] for a buyer clearing himself by an oath taken over the stolen property at the seller's grave, in the case of the seller having died since the purchase of the slave or other thing in dispute.

IV

With regard to the tenure of land we have a considerable bulk of information, derived partly from charters and wills, partly from occasional passages in the laws, and partly from other documents, especially the tract known as 'Rectitudines singularum personarum.' The present writer has gone into the matter elsewhere,[117] and we may confine ourselves to a short statement of what is positively known.

Our Anglo-Saxon charters or *books* are mostly grants of considerable portions of land made by kings to bishoprics and religious houses, or to lay nobles. Land so granted was called bookland, and the grant conferred a larger dominion than was known to the popular customary law. During the ninth century and the early part of the tenth the grant usually purports to be with the consent of the witan. *Alodium* (of which we have no English form) is a regular Latin translation of bookland. There is great reason to believe that a grant of bookland usually made no difference at all to the actual occupation of the soil. It was a grant of lordship and revenues, and perhaps of jurisdiction and its profits. The inhabitants rendered their services and dues to new lords, possibly enough to the same bailiff on behalf of the new lord, and things went on otherwise as before. The right of alienating bookland depended on the terms of the original grant. They were generally large enough to confer powers equivalent to those of a modern tenant in fee simple. Accordingly bookland often could be and was disposed of by will, though it is impossible to say that the land dealt with in extant Anglo-Saxon wills was always bookland. Lords of bookland might and sometimes did create smaller holdings of the same kind by making grants to dependents. It is important to remember that bookland was a clerkly and exotic institution, and that grants of it owe their existence directly or indirectly to royal favour, and can throw no light, save incidentally, on the old customary rules of landholding.

[116] C. 53.

[117] F. Pollock, *The Land Laws*, 2nd ed. Lond. 1887, chap. ii. and note B; and see Addendum published with a re-issue of the book, 1893. I am not sure that I escaped the temptation to define too much.

The actual tillers of the ground were mostly dependent on a lord to whom they owed rents and services substantially like those of which we have ample and detailed evidence in post-Norman documents. A large proportion of them were personally free men;[118] the homesteads were several, and every free man was answerable for his own fence.[119] There is no doubt that common-field agriculture was general if not universal;[120] and probably the scheme of distribution and the normal amount of holdings was very like that which we find after the Conquest. Free men sometimes held considerable estates under a lord, but our authorities are too scanty to enable us to say on what terms.[121] In the later Anglo-Saxon period, land held of a superior, whether much or little, is called lǽn-land. It is not clear whether this term extended to customary tenures (those for example which would result from a grant of book-land as between the new lord and the occupiers) or was limited to interests created by an express agreement. In the latter case it may be compared with the Gallo-Frankish *precarium* from which indeed it was perhaps derived.[122]

Folk-land may be most safely described as land not subject to any lord other than the king. It is regularly contrasted with book-land, but we cannot say with certainty whether the division of folk-land and book-land was exhaustive or not. The word has been generally taken in the sense of *ager publicus*, importing that the land belonged in some way to the community, but, if so, it is far from clear whether this relation were conceived as one of ownership, or of something more like 'eminent domain,' or not definitely apprehended at all. For my own part I believe that Professor Vinogradoff[123] is right in going back to Spelman, and holding folk-land to be simply land held by customary law and not by charter.

The truth is that we know very little about any form of Anglo-Saxon land-holding save book-land, which is a foreign excrescence on ancient Germanic usages. And our interpretation of the scanty evidence available must depend in great measure on the manner in which the fuller evidence of the two centuries after the Conquest is interpreted. Even Kemble allowed himself to say some things without warrant. Thus his use of the word 'eðel' as a technical term rests on no authority whatever. Later statements which follow or amplify Kemble without verification are merely misleading.

All that can usefully be said of the Anglo-Saxon laws of inheri-

[118] In. 3 § 2, Ælf. 43, Rect. S. P. 3.

[119] In. 40.

[120] In. 42 is a good illustration, though by itself not conclusive.

[121] In. 63–67. We assume that the hide here spoken of is not materially different from the normal hide of the Domesday period, *i.e.* 120 acres. Perhaps these passages have to do with the settlement of a newly conquered district.

[122] See Fustel de Coulanges, *Les origines du système féodal*, ch. iv.–vii.

[123] See above, pp. 1–17.

tance in this place is that they varied according to local custom. If there were any prevailing customary rule, it was probably that of equal division among sons.

After the Norman conquest book-land preserved its name for a time in some cases, but was finally merged in the feudal tenures about the beginning of the thirteenth century. The relations of a grantee of book-land to those who held under him were doubtless tending for some considerable time before the Conquest to be practically very like those of a feudal superior; but Anglo-Saxon law had not reached the point of expressing the fact in any formal way. The Anglo-Saxon and the continental modes of conveyance and classification of tenures must have coalesced sooner or later. But the Conquest suddenly bridged a gap which at the time was still a well-marked one.

FREDERICK POLLOCK.

Naval Preparations of James II in 1688[1]

THE naval history of the revolution begins in the months of May and June 1688. At this time the dockyards were unusually busy fitting ships for sea,[2] and in June a fleet of twenty sail under Sir Roger Strickland was despatched to the Downs. This was a reply to naval preparations on the part of the Dutch, undertaken under the apprehension of a new alliance between England and France which had arisen in the first instance from the recall of the English regiments in the Dutch service in January 1688.[3] Sir Roger Strickland was instructed to send out two 'small Nimble Friggats,' to cruise 'about the back of the Goodwin' for the purpose of 'lookeing out for & endeavouring to speake with all Ships passing those ways, & to gaine what Intelligence they can of y^e^ Number, Force & Motion of y^e^ Ships of any Forreigne Prince or State.'[4] Meanwhile further preparations were being pushed on, and a few days later inquiry was made for six or eight vessels among those now lying in the Thames 'proper in Quality and ready as to their Hulls and Furniture to be upon short warning taken up and converted to Fireships.'[5]

Up to this point nothing serious seems to have been anticipated by the authorities of the navy. The despatch of a fleet to the Downs had been a mere demonstration. The magnitude of William's naval and military preparations was not realised, and

[1] The manuscript authority on which this article is based is a part of the collection of *Admiralty Letters* in the Pepysian library at Magdalene College, Cambridge. For permission to examine it the writer is indebted to the kindness of the Master and Fellows.

[2] *Admiralty Letters*, xiv. 143–167, 176–7, 180, 186.

[3] 'This affair, as well as some disputes of maritime origin, for instance about Bantam in Java, where at that time the English company had been dislodged and the sovereignty of the Dutch company founded, had already interrupted the good understanding between England and Holland, when James II took the side of the King of France in the quarrel between Denmark and Holstein. While the States-General saw in this a reason for putting their naval force into a state of readiness for war, their doing so naturally provoked opposing demonstrations on the other side from James and Louis' (Ranke, *History of England*, iv. 402).

[4] 18 June, xiv. 232–3.

[5] 23 June, xiv. 240.

their object was not understood. On 1 August, Samuel Pepys, writing officially, as secretary to the admiralty, anticipated that the king's service would not require 'any greater Force at Sea,' but that 'on y^e^ contrary it will be much lessen'd by y^e^ discharging sev^ll^ . . . Shipps . . . in one, 2 or three Months at furthest.'[6] During August, however, James received warning that a descent on England was in contemplation.[7] According to Macaulay, by the influence and representations of Sunderland he was 'easily lulled into stupid security,' from which he only awoke to find that 'the first easterly wind would bring a hostile armament to the shores of his realm.'[8] He then began to bestir himself, and owing to the improved state of naval organisation, 'found no difficulty in fitting out, at hort notice, a considerable fleet.'[9]

The official correspondence does not justify this dramatic story. We learn from a letter written by Pepys to Sir Roger Strickland that as early as 16 August the king had countermanded orders 'for y^e^ Fleet's going to y^e^ Westward,' and had determined that it should remain in the Downs 'in y^e^ best readiness that may be for y^e^ Execucõn of any Ord^rs^.'[10] On 20 August Sir Roger Strickland was instructed to refuse all leave of absence to the officers of his squadron,

> the Present Conjuncture of Affaires with respect to y^e^ Preparations w^ch^ are makeing by Our Neighbours the Dutch requireing that not only all y^e^ Officers continue at their Dutys in their respective Stacõns, but that they doe all therein show their Care of and good will to y^e^ Service in y^e^ maintaining their Shipps in y^e^ best Condition that may bee to answer any Occasion w^ch^ may Call for y^e^ Same.[11]

On the following day the captain o one of the royal yachts was ordered by the king's special command to proceed to the coast of Holland,

> in Order to the makeing of the Dutch Fleet or what Shipps of Warr of those Provinces you can discover to be come out and now lying or moveing any where along the Coast . . . and this haveing done you are w^th^ the like dilligence to repaire back into the River of Thames, there to give me an acco^t^ of your Execution of these his Ma^tys^ Comands in order to my informeing the King therew^th^.[12]

The 'Speedy & Effectuall Execution' of these orders is described as 'at this time of the utmost Importance.'

Without waiting for the return of this vessel, the king took measures to strengthen the fleet in the Downs. Two ships of war bound for the Channel Islands with soldiers were ordered to put the soldiers ashore again and proceed with the utmost haste to join Sir

[6] xiv. 304. [7] Macaulay, *History of England* (popular edition), i. 543.
[8] *Ibid.* i. 554. [9] *Ibid.* i. 555. [10] 17 Aug. xiv. 350.
[11] xiv. 358. [12] Samuel Pepys to Capt. Cotton, 21 Aug. xiv. 366.

Roger Strickland, 'the psent State of his Majtys Affaires requireing the utmost Force that can be made of the Shipps allready abroad to be ready to receive his Majtys Orders in the Downes.'[13] Instructions were sent to the Navy Board 'for the having 6 fifth rates into Fireshipps, and setting out to Sea 6 fourth rates and one third, as also the rigging of 7 3d Rates more, & takeing up & setting out 8 Fireshipps more & 6 Small Vessells for Scouts and all to be dispatched as for Life & Death.'[14] The crews of the ships under Sir Roger Strickland's command were to be made up to their war complement.[15] All the powers of exhortation Pepys possessed were devoted to urging upon dockyard officials and captains of ships now fitting out, the necessity of haste. 'I hope in very few hours,' he writes to Sir Phineas Pett and Sir William Booth on Sunday morning, 26 Aug., 'to give ye King ye Satisfaction of understanding ye dilligence wherewith you are prosecuteing his Service, it being ye time in Our whole Lives wherein ye same can be of most use and importance to him.'[16]

That these preparations were made under the direct orders of the king, and at the very time when Macaulay would have us believe that he had been 'lulled into stupid security,' appears from a letter of 3 Sept., addressed to Capt. Killigrew at Gibraltar.

> What I have to add is the observeing to you that the King our Mastr has for now about 14 or 20 daies been greatly awakened, and indeed little less than surprised by a Sudden & most extraordy preperation in holland for some imediate Enterprize at Sea by an endeavour of fitting forth all at once ye greatest part of their biggest Shipps from all their Provinces, & this wth a degree of Industry (by working day and night, even by Candlelight) that has not been exceeded if equalled in ye most presseing times of Warr; and all this at a Season of ye Yeare so unapt and unacquaintd wth preperations of this kind . . . You need not doubt but the King has made the use of it wch in his usuall Prudence was necessary by endeavouring to prevent, or at least overtake them by preperations with equall earnestness on his side & wth that Success that if we hear not of them now within a very little time, we have good reason to hope yt by God almighties Ordinary blessing, with the cuncurence of the Season wee may at least reckon our selves safe against any Extraordinary mischiefs that might be otherwise apprehendd from so unusuall a proceeding & Insult from a Neighbour in allyance.[17]

It is true that other statements in this letter show that the king was as yet unable to realise that the preparations in Holland were intended for a descent on England,[18] and that he failed to

[13] xiv. 366–7. [14] 22 Aug. xiv. 368. [15] xiv. 371. [16] xiv. 370.

[17] xiv. 386. Compare also an earlier letter of 22 Aug. 'at 12 at night,' xiv. 367.

[18] . . . 'wth out ye least Certainty, or almost guess to be made (from any Information we have been able to gett) to what end, or against what Region designed, more than the Comon Cry in Holland has appointed it in England . . . we have lately some Inducements to believe (from ye psent Conjuncture of affaires in France & Flanders) yt their designe may be rather bent that way than hitherward. . . .'

understand how imminent was the danger,[19] but it proves at any rate that he was cautious enough to make extensive naval preparations in case the warnings he had received should after all turn out to be true. This is not 'stupid security;' but it is scarcely to Macaulay that we must look for justice to James II.

From this time preparations proceeded with the greatest rapidity, hurried on by all the influence that the king or the secretary to the admiralty could exert.[20] Their efforts were still mainly directed to strengthening the fleet in the Downs. To this end, captains of ships that had been long enough at sea to require refitting in the ordinary course, were informed that 'His Maj^ty^s Affaires at this time' would 'in no wise allow of' their coming in;[21] and mention is made of ships 'fitting forth in the River[s] of Thames and Medway, and at Portsm°' to join Sir Roger Strickland.[22]

The work of mobilisation, which was hindered by delays on the part of the victuallers[23] and the officers of the Ordnance,[24] and by a serious deficiency of men,[25] occupied the months of August, September, and October; and by the beginning of November the fleet was ready to intercept the Dutch. But during this time important intelligence was coming in from abroad. As early as 26 Sept. the danger of invasion had come to be regarded as imminent,[26] and instructions were sent to the ships lying in the Thames to repair at once to the buoy of the Nore, to join Sir Roger Strickland's squadron, which had been ordered thither.[27] The vessels fitting out at Portsmouth also were to proceed to this general rendezvous as fast as they could be got ready for sea.[28] It had already been decided that the fleet should be divided into three squadrons, and should be commanded by Lord Dartmouth as admiral, with Sir Roger Strickland as vice-admiral and Sir John Berry as rear-admiral;[29] and on 2 Oct. Lord Dartmouth went down to take command. At this time the Dutch fleet was hourly expected upon the coast.[30]

In this season of danger several important measures were sanctioned by the government. A proposal had already been discussed[31] for placing Chatham dockyard in a state of defence by

[19] . . . 'Tho I find both his Maj^ty^ and his Ministers under a good degree of Conviction that we shall not need to apprehend any great Attempts, or indeed any at all from them at this time.'

[20] Of certain ships Pepys writes: 'I doe w^h^ y^e^ same Zeale continue to press y^e^ Dispatch . . . y^t^ I would doe for my Victu^l^s If I were hungry,' xv. 241.

[21] xv. 13. [22] xv. 34. [23] xv. 90, 93, 100, 157, 164-5.

[24] xiv. 417; xv. 21, 49, 71, 79, 119-20, 160, 222-3, 228, 242, 261, 292, 376.

[25] xv. 35, 39, 40, 141. The deficiency was met partly by pressing, and partly by drafts from the land-army. See xv. *passim*.

[26] 'There can be nothing but the Wind to delay their Comeing forth beyond to-morrow or Friday' (*S. P.* to Sir Anthony Deane, 26 Sept. xv. 45).

[27] xv. 64. [28] xv. 51. [29] 24 Sept. xv. 34. [30] xv. 72.

[31] 28 Sept. xv. 58.

'putting the Workemen of the Yard into Millitary forme & Discipline,' but

it was determined that considering the Shortness of y^e^ time w^ch^ they are in all probability likely to have for their Trayning and the greatness of the Work they have otherwise to doe, & w^ch^ must indispensibly be done in the Navy, & putting them into Armes can amount to butt little in the first, & be greatly obstructive to the K^gs^ business in the latter.

It was therefore decided that

the Workmen and Officers of all Sorts (as farr as they can be prevailed w^th^ to stand by it), may be severally quartered, some to the Boates, others to the respective Batterys upon the River side, and others upon the Shipps on float, and for the Security of the Yard and Stores ashore, and each Man respectively assigned by list to this or that Severall Quarter, in order to his resorting thereto and doeing the Duty there as he ought, whenever his Maj^ty's^ service shall require the same.[31]

In this way it was hoped that the yard could be sufficiently protected against a *coup de main*. To the same end steps were taken to furnish small arms and 'Gunns for the Longboats,' though 'Drums & Colours' which the martial instincts of the dockyard authorities led them to apply for, were denied.[32] Similar provision was made for the defence of Portsmouth.[33] A plan was also carried out for misleading the enemy by removing the lights at Harwich and the buoys in the Thames.[34] The master and wardens of Trinity House appear to have been entrusted with this duty as regards the Thames, the king undertaking to indemnify them for any expenses they might incur.[35] At Harwich, a certain Captain Langley was appointed to blow up, or demolish in some other way, what was known as 'the low Lighthouse' immediately upon the approach of the enemy, and to replace it by an imitation lighthouse, 'made of canvas stretched upon Poles,' which should stand more to the southward, 'enough to lead the Enemy upon the Ridge.'[36]

On 10 Oct. Pepys writes to Lord Dartmouth,[37] informing him that the king had given orders for some more third and fourth rates to be fitted out 'at Chatham & Portsm^o^ and in this River, to be in the greater readiness as a Reserve' to supply the places of any ships of the fleet 'whose Chance it may be to be Lamed in case of Action.' The king seems to have feared at this time that the enemy would effect a landing at Portsmouth, for in the same letter Lord Dartmouth is instructed to detach a small frigate 'to Ply between Dover and France for carrying the earliest notice that may be to Portsm^o^ of the approach of the Dutch if they should indeed

[32] xv. 158, 162. See also pp. 239 and 287.
[33] xv. 207–8, 238.
[34] 3 Oct. xv. 78.
[35] 7 Oct. xv. 161. See also pp. 151 and 298.
[36] xv. 147. See also pp. 161, 174 and 194.
[37] xv. 125–6.

tend that way,'[38] though James was obliged to decline to consider proposals for the further strengthening of Portsmouth and the Isle of Wight on the ground that he could not afford the necessary troops.[39]

On 17 Oct. a circumstantial account of the proceedings of the Dutch reached the king,[40] confirmed both by independent advices to the Admiralty, and by the report brought in by a scout-boat sent out from the fleet. From these sources of information it transpired that on Sunday, 14 Oct., the Dutch

> went into Goree . . . and arrived at Helversluce that Evening, very much disorder'd by y^e^ late foul weather[41] . . . the Informant does beleive by all that he could heare or Judge that y^e^ Shipps thus come in could not be put in a Condiċon of comeing forth againe till to-morrow or Fryday at Soonest . . . they work Night & Day, Sunday & all, Monday last[42] only excepted, as being a Day of Solemne ffasting & Prayer all over y^e^ Provinces for Good Success to their undertakeings . . . they doe certainly bring with them an in[c]redible Number of Coates, & other Cloathing for y^e^ Men they expect to raise here & small Armes without Stint, even to y^e^ makeing it a difficulty to buy a Hand Gun, Pistoll or Sword in all y^e^ Country, and are forced to impress English Shipping for want of Embarcations enough to be had of other Nations. And after all this a vast Quantity of Lime, To w^t^ uses yo^r^ Lo^pp^ is a better Judge yourselfe.[43]

It was evidently in consequence of the receipt of this news that the king adopted the somewhat extreme measure of laying an embargo upon the ports. On 19 Oct. by order in council an embargo was laid upon all vessels in the port of Harwich, 'such only excepted as relate to the Service of' the 'Fleet.'[44] The reason at first given was the necessity of preventing any information being given to the Dutch of the state of the king's preparations;[45] but it appears from a later letter that another object of this measure was to prevent 'the supplying of the Hollander with Imbarcations, w^ch^ they are supposed to be at this day in great want of.'[46] On 22 Oct. a similar precaution was adopted with regard to the Thames,[47] and soon after for all the eastern ports.[48] It was not long, however, before the embargo was taken off the Yarmouth 'Fish Shipps' employed in carrying fish to home and foreign markets, 'excepting only Such Vessells as shall designe to goe to any place on y^e^ Coast of Holland,'[49] and this relaxation was afterwards extended to other ports, so that trade with foreign

[38] See also pp. 137–8. [39] 16 Oct. xv. 182. [40] xv. 195.
[41] The strong wind of 28 Sept. and the following days. See Lingard, x. 335.
[42] 15 Oct. [43] *S. P.* to Lord Dartmouth, 17 Oct. xv. 196–7.
[44] 20 Oct. xv. 218. [45] xv. 224. [46] xv. 276. See also p. 285.
[47] xv. 228. [48] xv. 229–30, 237. [49] 30 Oct. xv. 271.

countries was not much interfered with.[50] The embargo w[illegible] removed altogether as soon as the Dutch fleet actually sailed.[51]

It is clear from the 'Admiralty Letters' that from this tim[illegible] onwards James was supplied with ample and accurate informatio[illegible] of the movements of the Dutch, which was transmitted by Pepy[illegible] to the fleet with the utmost regularity and promptitude. Late o[illegible] the night of 26 Oct. news came from Holland that the prince o[illegible] Orange had set sail between three and four o'clock in the afternoo[illegible] of the 19th, with 52 men of war, and about 500 other vessels. 'They pretend'—wrote the king's informant, the Marquis d'Albeville—'to land in Scotland, as they most vulgarly give out, but Burlington Bay is the most probable place of landing in their real intentions. If the wind comes southerly again they are for the north; if northerly or north-easterly, they will for the West of England, and say they are equally provided for both.'[52] But he also mentions that at the time of writing a great storm was beginning, which was likely to damage the fleet.[53] This, and other evidence that came into his possession,[54] led the king to conjecture rightly that the Dutch were still upon their own coast,[55] and he therefore suggested through Pepys to Lord Dartmouth 'that it might not be unusefull (should y[e] Wind favour it) that the Fleet went out to Sea towards that Coast to try whether any advantage may be taken of them while they lye there.' In accordance with the attitude maintained by James throughout this crisis, full discretion in the matter was

[50] xv. 285, 289.' [51] xv. 327. [52] xv. 252–3.

[53] 'A great storm begins which will certainly disorder the Fleet' (D'Albeville to the King, 19 Oct. xv. 252). 'The Dutch Fleet . . . sailed . . . with the wind at S.W. and by S., and by that time they had been two or three hours at sea, the wind came more westerly, and has blown all this night and morning, hard at W., which may probably have done them some damage' (D'Albeville to the King, 20 Oct. xv. 253).

[54] The king examined the messenger who brought the letters from the Marquis d'Albeville. The result of this examination is transmitted by Pepys to Lord Dartmouth in a letter dated '27th 8ber /88 Satturday Morning about 2 of the Clock. . . . 'That part of y[e] Dutch Fleet (but how great a part he cannot say) was Seen after the Storme off y[e] Skevilling the next morning Viz[t] on Sunday Morning ab[t] 10 of y[e] clock.' Multitudes of People resorting to the Sea side to View it, they being then at Anchor, and so he left them there on Sunday when he came away. That all y[e] afternoone & Monday & Tuesday there was very little Wind stirring. That upon Wednesday when he was at Anthwarp the Wind Freshened againe at N.W. & has soe for y[e] most part continued ever since. That a Vessell y[t] came from y[e] Hollands Coast to Newport on Tuesday last say's that he left the Hollands Fleet in y[e] same place 24 hours before, being Monday' (xv. 254).

[55] 'W[ch] being y[e] case, namely, that such a part of their Fleet was in Skeviling Bay upon Monday last, that they went away but w[th] 15 dayes Victualls for Men & 10 for Horse, and that We have not yet heard one word of them from any part of the English Coasts, the King seems, from the best judgement he can make thereof, to think that they must be still upon their owne Coast, as having noe notice w[h]ere their Rendezvouz was to be nor w[h]ere else it could be, as y[e] Winds have Sat[t] since' (xv. 254).

left to Lord Dartmouth, who seems to have adopted the suggestion, for the fleet soon after put to sea.[56]

A day or two later Pepys sent Lord Dartmouth information from Holland that the prince would attempt a landing in the Humber,[57] and that speedily,[58] the damage done by the storm having been easily repaired. This enabled the king to realise for the first time the shortness of the respite which the storm had given him, and on 1 Nov. Pepys describes the situation as 'a Pinch . . . wherein y^e^ very being, as well as hon^r^ of' the 'Crowne & Governm^t^ is at stake.'[59] The blow was not long delayed. At 11 o'clock on the night of 3 Nov. information reached the Admiralty, both from the Downs,[60] and from Dover,[61] that the Dutch fleet was in sight, and sailing westward. An hour later Pepys writes thus to Lord Dartmouth:[62]

[56] 'y^e^ Fleet being now sailed from y^e^ Gunfleet tow^d^ y^e^ Coast of Holland' (*S. P.* to Capt. Tennant. 1 Nov. xv. 288).

[57] In a letter to Lord Dartmouth dated 29 Oct. 'past 9 at Night' Pepys encloses an extract from a letter despatched on 2 Nov. (N.S.) at midnight by D'Albeville to the king. 'A Roman Catholick Pilott come this Night from the Fleet assures mee that he was all day yesterday upon the Vessell which carrys my Lord Macclesfeild, & severall Gent^n^ of Quallity, & Ferguson, and that after that Macclesfeild came from the Prince, he heard him whisper to others (for he understands English very well) that they must Steer their Course now towards the River Humber, if the Wind will permitt it, that River being deep & Navigable, and that Current very rapid, and a sudden Ebb, leaveing the shipps a dry, and will give a good opportunity to Land, beside its now concluded, sayd he, that the farther the Prince Landeth from Your Maj^ty's^ Army, he will have greater opportunity of Strengthening his owne interest, increaseing his owne Army, and lessening the King's in his March, for he findeth the King's Army and Interest doe increase at psent, and will obteine time to refresh his Army, disperse his Manifests, to disswade the People to joyne w^th^ Your Maj^ty^ and looketh upon that Country as disaffected to your Maj^ty^, and will come to his Assistance, as he is assured of' (xv. 267).

[58] 'if the Wind serves the Prince will stay for nothing.' *Ibid.*

[59] xv. 283.

[60] xv. 297. 'Extract of a Letter to Mr. Pepys from Cap^t^ Tennant, Comander of the Tyger Frigat in the Downes. 9ber 3^d^ 1688 (11 in the morning).'

'Hon^d^ Sir,

'Just now I was forced to open my Letters againe by reason We espye a great Fleet on the backside of the Goodwin not knowing what they are standing to the W. ward but believe they are too many for Our Fleet.

'MATT^w^. TENNANT.'

[61] xv. 297. 'A Copie of a Letter to M^r^ Froud, from M^r^ Baelink at Dover. 9ber 3^d^ 88 (1 a clock at Noone).'

'Sir,

'We now discerne the Hollands Fleet very plaine, just off this place, saileing to the W^t^ward. They are about half Seas over, and are so thick there is no telling of them, but tis Judged about 300 Saile, others say 400 Saile. They reach from the W^t^ ward part of the Towne to the S. Foreland but We cannot discerne their Colours.

'I am S^r^

'Yo^r^ most humbl. Servant,

'FRA^s^. BAELINK.'

[62] *S. P.* to Lord Dartmouth. 'Satturday . . . 3^d^ 9ber at Midnight.' xv. 298.

I left his Maj[ty] just now at my comeing from him in Councill w[th] his Generall Officers, disposeing of Matters for the hastening away of his Troops as fast as may be tow[ds] Portsm[o], To w[ch] place he seemes to be at this present fully perswaded of the Dutch Fleets being directed; the same being not a little Surpriseing after haveing by a Succession of Intelligence for severall days together been wroght to a strong beleife of their being designed for Scotland or at least N[o] ward if in England.[63]

On the morning of Monday 5 Nov. the Dutch fleet was seen from Dartmouth[64] standing to the eastward.[65] 'The Capitall Ships' were 'off of Torbay.' A little later information reached the Admiralty that the troops were being safely landed.[66]

At this point the 'Admiralty Letters' fully confirm the accepted statement that James exonerated Dartmouth from all blame for his failure to intercept the hostile fleet,[67] but they also do much more than this, since they account in detail for the apparent inactivity of the English fleet during the first few days after the Dutch ha[d]

[63] Concerning this change of plan D'Albeville writes to the King on 5 Nov. that the prince had been informed before sailing 'That Your Majesty had given such good orders in all places towards the north that' he 'could not do better than land somewhere in the West, where Your Majesty does not expect him: . . . That he could land even at Rye very well and commodiously free and open: That he might make an attempt upon the Isle of Wight in passing by to Poole haven, where the whole fleet could lay conveniently: That there was nothing to be feared, since the French King had no ships at Dunkirk nor Calais, and that taking [t]his course he would eschew an engagement with Your Majesty's Fleet' (xv. 353).

[64] xv. 312. 'A Copie of a Ltre come this afternoone to Court from M[r] Tho: Bowyer, Colector of his Maj[tys] Customes at Dartm[o] dated Munday 9ber 5th 88 at 9 in y[e] Morning from Dartmouth.

'This morning being very hazey, ffoggie and full of Raine, cleer'd up about 9 of the clock, at w[ch] time appear'd the Dutch Fleet consisting of ab[t] 400 or 500 Saile as near as We can guess, all standing to the Eastw[d] w[th] ye Wind at W.S.W[t]; a moderate Gale, The Capitall Ships are off of Torbay ab[t] 4 Leagues from the Shore, the Small Shipps & Fly-boats betw[n] the Start & Dartm[o], ab[t] a League & half off, w[ch] is the fullest acco[t] to be yet given of them.'

[65] The Dutch fleet had been carried too far west, and was returning. See Macaulay, i. 564.

[66] xv. 319.

[67] 'I am againe Comand[d] by the King to re-assure your Lo[rp] of the former part w[th] yet greater satisfaction from w[t] he has now rec[d] fr. your Selfe of your incapacity of doeing more in that exigence for his Service then you did considering the place in w[ch] you were then hooked and y[e] Wind that then blew to y[e] benefitt of the Hollands Fleet & disadvantage of Yours' (*S. P.* to Lord Dartmouth, 7 Nov. xv. 315. See also p. 311). The reason of Dartmouth's failure is explained by Lingard (x. 343) in full agreement with this passage. Macaulay's account of the episode (i. 564–6) is neither adequate nor clear. A curious reference to it occurs in an entry by Pepys of much later date in his *Naval Miscellanies* (p. 292): 'What a Pother was heretofore made about y[e] pretended Discovery of our Lands, &c., to Strangers. While it now appears how little Use wee were able to make of our supposed only knowledge of them ourselves, at soe Criticall a Juncture as that was when my L[d] Dartm[o] could not tell how to gett his Fleet out of them, tho there by his own Choice; and after all y[e] Cautions given him by y[e] King against y[e] very Evil hee betray'd himselfe & his Unhappy Master to[o] by going thither.'

passed it.[68] On 6 Nov. Pepys specially warned Lord Dartmouth against exposing the fleet under his command.

Since it has soe unhapily fallen out [he writes][69] y^t^ y^e^ Dutch are in all probability at this hour peaceably putting on Shoare their whole Land Force & Baggage, Soe y^t^ there is nothing left within y^e^ power of yo^r^ Lo^pp^ to obtaine upon them in refference to the Landing part, & that consequently their Men of Warr will now be at an enttire liberty to receive or attacque you as they shall see fitt; The King doubts not but you will carry in your Mind y^e^ Importance of manageing his Fleet und^r^ yo^r^ Comand in such manner as may be most effectuall upon y^e^ Enemy w^th^ y^e^ least exposeall y^t^ may be of his said Fleet.

This caution was supplemented on the following day by a letter which makes it clear that all idea of hostile operations had been abandoned, and the fleet was to be recalled to defend the Thames and the Medway.

His Ma^ty^ . . . Comands me to recomend it to yo^r^ Lo^pp^ to put in execution what himselfe had soe advised and you w^th^ your Councill of Warr had of your own accords soe concurr'd w^th^ him in.[70] . . . There seeming nothing as matters now stand to remaine so much y^e^ Subject of his Ma^ty^ care & yours as the aforemenconed safety of his Fleet & that of this River & the Medway, and that as the Wind may be the safety both of One & the Other may be exposed should you come & lye in the Downes, he offers it to You to consider whether there be any place now to be chosen as proper or at least soe proper to answer in all probability both these ends as the Buoy of the Nore.[71]

That Lord Dartmouth really was expected back in the Downs appears from the fact that letters of 8, 9 and 11 Nov.[72] containing the latest news of the Dutch, were sent thither instead of to Portsmouth, whence correspondence had hitherto been expected to reach him.

But now an event occurred which had the effect of altering all the king's plans, and inducing him to recommend Lord Dartmouth to attack the Dutch fleet after all. In a letter dated 11 Nov.[73] Pepys speaks of some papers taken from a prize, one of which had been found to contain a list of the Dutch land and sea forces. From this it appeared that the Dutch fleet was much smaller than had been at first supposed,[74] so much so that

[68] This inactivity is attributed by Lingard (x. 344) to the influence of Dartmouth's officers, who feared to attack the Dutch with an inferior force, when they no longer had transports to protect. Macaulay, on the other hand (i. 566), ascribes it entirely to the weather. The account given in the text from the *Admiralty Letters* suggests that each of these writers was in possession of half the truth.

[69] xv. 311. [70] This appears to confirm Lingard's view. See note [68] *supra*.

[71] *S. P.* to Lord Dartmouth, 7 Nov. xv. 315.

[72] xv. 324–5, 329–30, 336. [73] xv. 337.

[74] 'Y^e^ shortness of y^e^ Dutch Fleet, . . . both in N^o^ & quality of Shipps from what Wee had all of us both on Sea and on Shore been led to reckon it' (*S. P.* to Lord Dartmouth, 12 Nov. xv. 344).

Lord Dartmouth himself had been inclined to think that it referred only to 'y^e^ State of y^t^ Fleet before y^e^ last Storme, since w^ch^ more & greater Shipps may possibly have been added thereto.'[75] The king and his ministers, however, were disposed to accept the list as accurate, especially as it was corroborated by independent testimony.[76] This information led to an important modification in the king's instructions to his admiral. Though the whole matter was left, as before, entirely to Lord Dartmouth's discretion,[77] he was informed by Pepys that

> His Ma^ty^ w^th^ y^e^ Advice of all my Lords this Night at y^e^ Cabinet have determ^d^ upon your being authorized to proceed ag^t^ this Fleet in y^e^ same hostile manner in all respects now y^e^ discent is made, as you were before Obliged to doe had it been yo^r^ ffortune to have mett it at Sea in it's way to y^e^ makeing of y^e^ said Discent.[78]

In view of the intended attack, instructions were sent to the Navy Board to supply Portsmouth yard with men and stores sufficient to enable it to be used as a base of operations.[79] Unfortunately, however, the weather became tempestuous,[80] and when the fleet put into Portsmouth it was only to repair serious damages suffered at sea.[81] One ship, the Helderenberg, intended for a hospital, had gone down; the rest had been scattered in every direction,[82] and when they at length reached a place of safety it was clear that some considerable time must elapse before they would be ready to put to sea again.[83]

Up to this point at any rate the king seems to have maintained his courage, for as long as his army was undefeated and his fleet

[75] v. 344.

[76] A Scotch deserter from the Dutch fleet reported that it 'did not at his leaveing it exceed in Men of Warr great & Small y^e^ N^o^ of ffour & ffourty and those but of Moderate fforce in very indifferent Case as to y^e^ Bodies of y^e^ Shipps, meanly mann'd both as to y^e^ Number and Quality of their Men and Victualled but for Six Weeks at y^e^ time of their last comeing out' (xv. 346).

[77] xv. 399.

[78] 12 Nov. xv. 347. According to Ranke (iv. 439) the English fleet was reckoned at 33 and the Dutch at 60 ships of war. The new information appeared to reduce the latter to about 44 (see note [76] above).

[79] 'Forasmuch as in all appearance y^e^ principall part of Our Sea Action will (by y^e^ Prince of Orange's fixing himselfe Westw^d^) direct it selfe that way I am req^d^ by y^e^ King to observe y^e^ same to you y^t^ soe w'ever can be done for y^e^ rendering of his Yard at Portsm^o^ better prepared then it is by Stores or Hands and above all by a sufficiency of Provisions for answering the Occasions of y^e^ Fleet . . . (*S. P.* to the Navy Board, 14 Nov. xv. 364. See also p. 396).

[80] 'Wee have been . . . in great paine here . . . for the Fleete in y^e^ ill Weather & great Winds w^ch^ happned upon Sunday night & yesterday morning' (20 Nov. xv. 384–5. See also p. 387).

[81] xv. 402, 405, 414, 415, 416, 421, 422.

[82] Seven ships anchored in the Downs, two put into Portland Roads, one into Yarmouth (Isle of Wight), one into Cowes, and one into Plymouth. The rest anchored at Spithead (*S. P.* to Lord Dartmouth, 24 Nov. xv. 417. See also 422).

[83] xv. 421.

at sea he might still hope that by some stroke of good luck the situation might be changed. The disparity of forces did not appear so great as had been at first supposed; the fidelity of the fleet has been guaranteed by its admiral;[81] and victory in a naval battle might leave William shut up in England to face the reaction in popular feeling to which such a victory would probably give rise. Thus the disabling of the fleet by the storms of 18 and 19 Nov. must have largely contributed to his resolution of despair. And this, as we know, was only the first of a series of crushing blows. On 23 Nov. Churchill and the duke of Grafton joined the prince. On 24 Nov. they were followed by Prince George of Denmark. On the morning of 26 Nov. the flight of the Princess Anne was discovered.[83] From this time the entries in the letter-book of the Navy Office only anticipate the end. On 29 Nov. Lord Dartmouth was instructed to provide for the safety of the fleet 'without Expectacõn of any more Action from it for this Season.'[85] The arrangements for increasing it were counter-ordered, and the pressing of men was stopped.[87]

Meanwhile, though the routine business of the navy went on steadily, bad news was coming into the office on every side,[88] and at last, on 11 Dec. the final step was taken, and the secretary was informed that the king had fled.[89] For a time Pepys took his orders from the Council of Peers[90] and transmitted for them to the ports instructions for an embargo on all outward-bound vessels.[91] This was, however, removed by the king on his return to London.[92] On 21 Dec. Pepys mentions that the king was 'a second time withdrawn,'[93] and on Christmas Day we find him writing to the fleet at the bidding of the prince of Orange.[94]

J. R. Tanner.

[81] Ranke, iv. 439. [83] Lingard, x. 352–4. [86] xv. 445.

[87] xv. 457–8. For obvious reasons the arrangements for the flight of the royal family do not appear in the official letter-book. A covering letter refers to a secret order from the king to Lord Dartmouth enclosed relating to 'a matter w^ch^ will not beare its being knowne to more here' (xv. 435–6)—clearly the letter of 25 Nov. mentioned by Macaulay (i. 586) ordering a yacht for France. Also a communication dated 8 Dec. to Capt. Fazeby, Commander of the *Mary* yacht at Portsmouth, requires him to take the prince of Wales and his retinue on board, and transport them to Greenwich and there wait for further orders (xv. 457). As Dartmouth refused to supply a yacht from the fleet, and watched the mouth of Portsmouth harbour to prevent any other vessel from going out unexamined, neither of these plans was executed (Macaulay, i. 587–8).

[88] *S. P.* to Lord Dartmouth, 10 Dec. xv. 460–1.

[89] See xv. 464, and *Diary*, ed. Mynors Bright, vi. 162.

[90] xv. 464, 467. [91] xv. 467, 469. [92] 16 Dec. xv. 469.

[93] xv. 470. [94] 25 Dec. xv. 472.

Lally's Visit to England in 1745

IT is a generally received belief that Lally, within a few months after he took part in the battle of Fontenoy, served on the staff of Charles Edward at Falkirk, and then left the army in its retreat, in order to foment disturbances in London.[1] This assertion undoubtedly had its origin in the French memoir of Lally which is generally accepted as the work of his son Trophime, that Count Lally who perished under the knife of the guillotine in the days of the Terror. It must, however, be remembered that at the time of his father's execution, in 1764, Trophime Lally was in his fifteenth year, and that for some eighteen months previous to that time the elder Lally had been a close prisoner in the Bastile. Yet, although the memoir could not have been composed from personal knowledge, the author had access to the state-papers, despatches, letters, and newspapers of the day, and above all to the recollections of his father's friends and companions. The result is a memoir which, tested by all available means, appears remarkably accurate. At the same time it would scarcely be extraordinary if some mistakes had crept into the work. This is the case in the account of the 'Forty-five.' Before inquiring, however, it is necessary to grasp clearly the position of affairs in France at the moment of the retreat from Derby.

Fontenoy had made Lally famous. Whatever opinion may be held as to his exact claim to have decided the fate of the day, there is no possible question that henceforth he was regarded as amongst the ablest of the younger officers in the service of France. The battle was fought on 31 May 1745. Little more than a month later the Pretender landed in Scotland, and by the end of September the clans, having swept Cope's army out of their path, were in full march on London. When Lally heard of these events he was with the army in Flanders. No sooner was the campaign at an end than he left his regiment, and hurried off to Paris to lay before the minister a scheme for the invasion of England, in concert with the Pretender, by a French army of 10,000 men. The Marquis d'Argenson, the secretary for foreign affairs, was eager for its adoption, but its acceptance was delayed for a time

[1] So *Engl. Hist. Rev.* vi. 499, 1891.

owing to the opposition of his brother, the Count d'Argenson, the secretary for war.[2] Ultimately, however, the count gave in his adhesion, and preparations were immediately commenced. It was at this moment that the ministers called Voltaire to their councils. It was necessary to draw up a manifesto in favour of the Pretender. The wielder of the most trenchant pen in Europe was requested to undertake the task; and, for a while, Voltaire and Lally worked side by side. During that time the great philosopher formed a high opinion of the capabilities of the soldier. 'The expedition,' he wrote, 'miscarried, but the zeal of Lally had great effect upon the ministers, and his boldness was deemed capable of carrying through important undertakings. The writer of these lines speaks of what he knows, as he worked with him for a month by order of the minister.'[3] It is a significant fact that neither here, nor in any of the other numerous allusions to Lally scattered through his writings, does Voltaire so much as hint that he had ever heard of the Falkirk incident.

Under the supervision of Lally the preparations were pushed vigorously forward. A fleet of men-of-war and a flotilla of boats were collected at Calais and Boulogne. A number of Channel smugglers were chartered as pilots.[4] Ten thousand men, drawn chiefly from the Scotch and Irish regiments in the service of France, were encamped along the coast, and the duke of York came amongst them to animate their zeal.[5] On 20 Dec. 1745 the duke of Richelieu was gazetted commander-in-chief of the expedition, with Lally as his quartermaster-general.[6]

At last all was ready. The fleet only waited a favourable moment to put to sea; but that moment never came. The 'protestant winds,' those old allies of England, blew steadily into the French ports. Day after day dawned without a change. A few vessels, having on board the pickets of the Irish brigade, had already managed to evade the blockading squadron, and make the Scotch coast near Montrose; the remainder lay cooped up under the guns of Calais and Boulogne. At last Richelieu became disgusted. In a fit of ennui he threw up his command and departed, to forget the whole business in a whirl of dissipation in Paris.

It is at this moment that the movements of Lally become so difficult to trace. The 'Biographie Universelle' is clear that he went over to Scotland, and was present at the battle of Falkirk. The words of the article are categorical beyond dispute. Lally, it says, 'who had gone in advance with the pickets of the Irish

[2] *Fragments sur l'Inde.* Voltaire, xxix. 100.
[3] *Lettre à M. Gaillard.* Ferney: 18 Janvier, 1769. Voltaire, vol. xlvi.
[4] *Gentleman's Magazine*, Feb. 1746. [5] *Ibid.*
[6] *Biographie Universelle*, art. Lally.

brigade, served as counsellor and aide-de-camp to the prince at the battle of Falkirk.' Now the Irish pickets landed in Scotland early in December 1745.[7] Lally's appointment as quartermaster-general of the French expedition was gazetted 20 Dec. If, therefore, Lally crossed with the Irish pickets, we are face to face with the conclusion that the Paris war office named as quarter-master-general of the forces mobilising at Calais and Boulogne, an officer already on active service in Scotland. That, of course, if not absolutely impossible, is, to any one conversant with the duties and responsibilities of the office, incredible. Neither can it be maintained that the French text warrants the construction which has been so persistently placed upon it, that Lally was in command of the Irish pickets. Even, indeed, if the biographers were right in their reading, they would only succeed in exploding their own theory. Those pickets from first to last, from their disembarkation near Montrose to their surrender on the evening of Culloden, were commanded, as numberless references, in the official and ordinary press of the day, show, by Brigadier-General Stapleton. Moreover, in not one of the numberless publications of the hour is the presence of so famous a soldier as the hero of Fontenoy so much as alluded to; not even in that quaint broadsheet, printed at Bannockburn as a sort of official Jacobite Gazette.[8]

If, however, Lally was not in Scotland, where was he? The riddle at first seems incapable of solution. A careful search, however, through the newspaper files of the British Museum unearths the following facts. In the 'Gentleman's Magazine' for February 1746 there is printed a letter from Admiral Vernon, then in command of the fleet blockading the French ports, to the lords of the admiralty, containing the following enclosure:—

On board the Weasel sloop, Downs, 8 Jan.

Colonel Lalley went over to England in a smuggling boat, dress'd in a sailor's habit, where I hope he will meet with his deserts.

This information is supported by a letter printed in the 'Penny London Post' of 13–15 Jan.:—

Canterbury, 11 January.

We are inform'd that one Colonel Lally embark'd at Boulogne Friday last for our coast, dress'd like a sailor; he is a short Man, about five Foot four inches, squat made, with a full Face, black Beard, and swarthy Complexion; and came over in a Smuggling Boat.

From these letters it appears tolerably plain that at the time Lally is supposed to have been in Stirlingshire, he was in reality in Sussex or Kent; and it is not difficult to make a guess at his business there. The Sussex smugglers of those days were a body of extreme power and daring. On one occasion they had marched in

[7] *London Gazette*, 5 Dec. 1745. [8] *British Museum Newspaper Scrap-book.*

arms right up to Deal, and on another had broken open and sacked the custom house at Brighton.[9] These men, enemies by nature of their calling to the government *de facto*, were Jacobites to a man. They supplied the Pretender with his most valuable information,[10] and even went the length of wearing his uniform and calling themselves 'Prince Charlie's volunteers.'[11] So insolent had they become since the advance to Derby, that it had been found necessary to quarter 2,000 troops in Kent and Sussex in order to break up their organisation.[12] Lally's duties at Boulogne had brought him into intimate relations with these men; and it is probable that he now crossed over to England with the intention of trying whether it was not possible to organise them as the nucleus of a rising in the home counties. The Pretender, it is true, was by this time in full retreat from Derby. But the reason for the refusal of the clans to advance had been the failure of the English Jacobites to rally to their support. And Lally may well have thought that if the standard of rebellion could be unfurled in the south, the retreat of the Highlanders might yet be stayed.

Anyway shortly after this date Lally is admitted to have been in London, whence, on the hue and cry after him becoming too loud, he made use of his knowledge of the ways of the smugglers to secure his flight to France.

FREDERICK DIXON.

[9] *Penny London Post*, 17–20 Jan. 1746.
[10] *British Magazine*, May 1746.
[11] *Penny London Post*, 26–28 Feb. 1746.
[12] *Westminster Journal*, Feb. 1746.

Notes and Documents

AN UNKNOWN CHARTER OF LIBERTIES

WHILE examining the 'Rymer Transcripts,' in search for any new materials bearing on English history, I came across a charter of John presenting a resemblance to the Great Charter, but evidently quite distinct. It seemed so impossible that anything of the kind could exist, and its existence be unsuspected, that I felt inclined, at the first glance, to assign it to some confusion. But the fact that it contained two clauses, neither of them found elsewhere, and both of extreme importance, pointed to its possessing an independent origin and value.

The reference for the document is 'Rymer Transcripts, Ser. 2, vol. 133, fo. 331[d],' taken from 'Archives de France, A.R.—S.H.—S.J. Cart. 655.'

The heading runs: *Charta quam Henricus communi baronum consilio Rex coronatus,*[1] *eisdem et prelatis regni Angliae plurima privilegia concedit.* This is followed by the text of Henry's charter, which (I am informed by Mr. Hubert Hall who, as editor of the Red Book, is specially conversant with the subject) corresponds with the best version of it. Then come the words: *Haec est Carta Regis Henrici per quam barones querunt libertates et haec consequentia concedit Rex Johannes.* For convenience of collation I have broken up John's charter into clauses, and have placed against each that which corresponds with it in (A) the charter of Henry I, (B) the Great Charter. It will be observed that the first clause is of different construction from those which follow it, and that the first person singular is used throughout. In the original charter *nos* must have been employed.

CHARTER OF HENRY I	THE DOCUMENT[2]	THE GREAT CHARTER
	Concedit Rex Johannes quod non capiet hominem absque judicio, nec aliquid	(39) Nullus liber homo capiatur, vel imprisonetur aut disseisiatur, aut ut-

[1] This is taken from Henry's phrase in his charter: *communi consilio baronum . . . regem coronatum esse* (*Textus Roffensis*).

[2] I am greatly indebted to Mr. Hubert Hall for most kindly collating my proof with the original document in my absence from England.

CHARTER OF HENRY I	THE DOCUMENT	THE GREAT CHARTER
	accipiet pro justitia nec injustitiam faciet.	lagetur aut exuletur, aut aliquo modo destruatur . . . nisi per legale judicium parium suorum vel per legem terrae. (40) Nulli vendemus, nulli negabimus, aut differemus rectum aut justiciam.
Si quis baronum meorum, comitum, sive aliorum qui de me tenent, mortuus fuerit, heres suus non redimet terram sed justa et legitima relevatione relevabit eam.	Et si contingat quod meus baro vel homo meus moriatur et haeres suus sit in aetate, terram suam debeo ei reddere per rectum releveium absque magis capiendi.	(2) Si quis comitum vel baronum nostrorum, sive aliorum tenentium de nobis in capite per servicium militare mortuus fuerit et, cum decesserit, heres suus plene aetatis fuerit et relevium debeat, habeat heredi tatem suam per antiquum relevium; scilicet, &c.
	Et si ita sit quod haeres sit infra aetatem, debeo iiij^{or} militibus de legalioribus[3] feodi terram bajulare in custodia, et illi cum meo famulo debent mihi reddere exitus terrae sine venditione nemorum et[4] sine redemptione hominum et sine destructione parci et vivarii; et tunc quando ille haeres erit in aetate terram ei reddam quietam.	(3) Si autem haeres alicujus talium fuerit infra aetatem et fuerit in custodia, cum ad aetatem pervenerit, habeat hereditatem suam sine relevio et sine fine. (4) Custos terrae hujusmodi haeredis qui infra aetatem fuerit, non capiat de terra haeredis nisi racionabiles exitus et racionabiles consuetudines, et racionabilia servicia, et hoc sine destructione et vasto hominum vel rerum, et si nos commiserimus custodiam alicujus talis terrae vice—comiti vel alicui alii qui de exitibus illius nobis respondere debeat, et ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, et terra committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus respondeant nobis vel ei cui eas assignaverimus; et si dederimus vel vendiderimus alicui custodiam alicujus talis terrae, et ille

[3] The manuscript reads *legatioribus*.

[4] The manuscript reads *et tunc sine*.

Charter of Henry I	The Document	The Great Charter
		destructionem inde fecerit vel vastum, amittat ipsam custodiam, et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut praedictum est.
Et si quis baronum vel aliorum hominum meorum filiam suam nuptum tradere voluerit, sive sororem, sive neptim, sive cognatam, mecum inde loquatur; sed neque ego aliquid de suo pro hac licentia accipiam, neque defendam ei quin ei det, excepto si eam vellet jungere inimico meo.	Si foemina sit haeres terrae, debeo eam maritare, sed non inimicis meis [Si contingat quod meus baro aut homo meus[a]] consilio generis sui, ita quod non sit disparagiata. Et si una vice eam dedero, amplius eam dare non possum, sed se maritabit ad libitum suum, sed non inimicis meis.	(6) Haeredes maritentur absque disparagacione, ita tamen quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius haeredis.
Et si mortuo barone sive alio homine meo, filia heres remanserit, illam dabo consilio baronum meorum cum terra sua.		
Et si quis baronum vel hominum meorum infirmabitur sicut ipse dabit vel dare disponet pecuniam suam, ita datam esse concedo; quod si ipse, preventus armis vel infirmitate, pecuniam suam non dederit vel dare disposuerit, uxor sua, sive liberi, aut parentes et legitimi homines ejus, eam pro anima ejus dividant sicut eis melius visum fuerit.	Si contingat quod baro aut homo meus moriatur, concedo ut pecunia sua dividatur sicut ipse diviserit; et si praeoccupatus fuerit aut armis aut infirmitate improvisa, uxor ejus, aut liberi, aut parentes et amici propinquiores pro ejus anima dividant.	(26) Si aliquis tenens de nobis laicum feodum moriatur . . . persolvatur nobis debitum quod clarum fuerit, et residuum relinquatur executoribus ad faciendum testamentum defuncti; et si nichil nobis debeatur ab ipso, omnia catalla cedant defuncto, salvis uxori ipsius et pueris racionabilibus partibus suis.
		(27) Si aliquis liber homo intestatus decesserit catalla sua per manus propinquorum parentum et amicorum suorum per visum ecclesiae distribuantur salvis unicuique debitis quae defunctus ei debebat.
Si vero uxor cum liberis remanserit, dotem quidem	Et uxor ejus non abibit de hospitio infra xl dies	(7) Vidua post mortem mariti sui statim et sine

[a] *Si contingat—homo meus* is superfluous, having evidently been copied out of place from the next section. Therefore the sentence reads on without a stop at *meis*.

ER OF HENRY I	THE DOCUMENT	THE GREAT CHARTER
ationem habebit ius suum legitime it, et eam non i secundum velle errae et liberorum it sive uxor, sive opinquorum qui sse debeat.	et donec dotem suam decenter habuerit, et maritagium habebit.	difficultate habeat maritagium et haereditatem suam nec aliquid det pro dote sua, vel pro maritagio suo, vel haereditate sua, quam haereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti, et maneat in domo mariti sui per quadraginta dies post mortem ipsius infra quos assignetur ei dos sua.
	Adhuc hominibus meis concedo ne eant in exercitu extra Angliam nisi in Normanniam et in Britanniam et hoc decenter; quod si aliquis debet inde servitium decem militum, consilio baronum meorum alleviabitur. Et si scutagium evenerit in terra, una marca argenti capietur de feodo militis; et si [contra terram][1] exercitus contigerit, amplius caperetur consilio Baronum regni.	
tas, communi con- aronum meorum, i mea retinui sicut eus eas habuit.	Adhuc concedo ut omnes forestas quas pater meus et frater meus et ego afforestavimus, desafforesto.	(47) Omnes forestae que afforestate sunt tempore nostro statim deafforestentur. (53) Eundem autem respectum habebimus et eodem modo [*i.e.* ad communem terminum crucesignatorum] de justicia exhibenda de forestis deafforestandis quas Henricus pater noster vel Ricardus frater noster afforestaverunt.
	Adhuc concedo ut milites qui in antiquis forestis meis suum nemus habeant, nemus amodo ad herbergagia sua et ad ardendum; et habeant foresterium suum; et ego tantum modo unum qui servet pecudes meas.	

[1] Hall notes 'gravam' in MS., but the true reading, he says, is probably *contra*

The Document	The Great Charter
Et si aliquis hominum meorum moriatur qui Judaeis debeat debita, non usurabit quamdiu haeres ejus sit infra aetatem.	(10) Si quis mutuo ceperit aliquid a Judaeis, plus vel minus, et moriatur antequam debitum illud solvatur, debitum non usuret quamdiu haeres fuerit infra aetatem.
Et concedo ne homo perdat pro pecude vitam neque membra.[7]	

It is with much diffidence that I approach the question of this document's date and origin. Indeed, its genuineness might fairly be questioned were it not for the two clauses dealing with scutage and with foreign service, which, being found in it alone, point to an independent origin, and which, relating as they do, to the urgent grievances of the day, are precisely those we should expect to meet with.

It is obvious from the concessions it contains, that it is previous to the Great Charter, while its connexion with the charter of Henry I points to a date subsequent to August 1213, when, says Dr. Stubbs, that charter was first brought forward.

The case, I think, stands thus. Since Henry I issued his charter of liberties—which had lost much of its force even in his own reign—the royal power had increased so steadily that Henry II and his sons had been able to abstain from issuing charters, and had merely taken the old tripartite coronation oath. It was this oath and nothing more that John, I gather, confirmed on the return of the primate in July 1213. But, on turning to the year 1214, we learn from Ralf of Coggeshall that

> Barones Northamhumbriae in unam coeuntes sententiam ut regem compellerent ad reformandam ecclesiae et regni libertatem et ad abolendas pravas consuetudines quas ad depressionem ecclesiae et regni tam pater quam frater regis, cum his abusionibus quas idem rex adjecerat, olim suscitaverant, *secundum quod rex anno praeterito juraverat*, regem super hiis . . . . orant et adhortantur, insuper et cartam Henrici primi proferunt quae libertates exprimit quas proceres, olim abolitas, nunc resuscitare contendunt.

If we may trust to this passage we have here a reference to certain concessions made in 1213, very different from a mere renewal of the coronation oath. John must have specifically sworn to undo the work of his father, his brother, and himself in those matters wherein the barons held themselves aggrieved. It would

[7] This appears to anticipate clause 10 of the *Charter of the Forest*: *Nullus de cetero amittat vitam vel membra pro venacione nostra.*

seem that this passage must refer to the compromise spoken of by the same author in 1213:

Northamhumbrenses regi concordantur, mediantibus *legato*, archiepiscopo Cantuariensi et aliis episcopis et baronibus, ea conditione ut liceat eis gaudere atavis libertatibus.

The mention of the legate places this 'concord' after his arrival in October (1213). Now the famous account, by Matthew Paris, of the meeting at St. Paul's in August (1213) makes the primate say that John had sworn to restore the 'laws of Edward,' but that if the barons wished to recover their *libertates diu amissas*, they could now do so by means of the (re-discovered) charter of Henry I. Are not these, then, the *atavae libertates* which the northern barons extorted from John before the end of the year, and, if so, are they embodied in the document I have printed above? The whole subject is so obscure that my suggestion is merely tentative.

It is a singular fact that the document I have printed answers well to the summary of grievances that Dr. Stubbs has given as characterising the reign:—

the disparagement of heiresses by unequal marriages, common under both Richard and his father, . . . the postponement of the investiture of heirs by the exaction of enormous reliefs, or the wanton destruction of their estates irrespective of the reliefs; the whole traffic in wardship and marriage, . . . the increase of taxation . . . and the question of foreign service. (Pref. to W. Coventry, p. lxiv.)

It is to the two last points that the distinctive clauses of the document specially refer.

The only suggestion that I can offer for the restriction of foreign service to Normandy and Brittany is that it was not based on principle, but was a practical compromise based upon their accessibility as contrasted with the southern portion of John's dominions. One is reminded of that *longitudinem et difficultatem viae*, which Robert of Torigny speaks of when Henry II made his first Aquitanian campaign from England. As to the principle of foreign service, I have already said something in the pages of this Review. The rights of the case are obscure now and, so far as we can gather, were probably obscure then. Ralf of Coggeshall and Walter of Coventry assert that the northern barons denied their liability to foreign service in respect of lands held in England. John retorted that the principle had been admitted in the days of his father and his brother, and therefore claimed it *tanquam debitum*. This justifies the fears expressed, sixteen years before, by St. Hugh of Lincoln, and explains what I termed, in examining his action, the medieval dread of creating a precedent.[8] Therefore, I suggest, the difficulty was solved, as above, by mutual concession.[9]

[8] English Historical Review, April 1892.

[9] The question must have been complicated by the growth of the king's dominions.

The provision as to scutage is precisely what we might expect to find. It redresses what was admittedly a leading grievance of the reign, namely excessive scutages, while preserving to the crown its old right of exacting a normal scutage. The Great Charter, of course, went further, and prohibited the exaction of scutage at all without the consent of the *magnum concilium*.

Perhaps some scholar better qualified than myself may be able to throw further light on the true nature and the value of my document. J. H. ROUND.

THE CHARACTER OF VILLEIN TENURE

MR. I. S. LEADAM has contributed to the 'Transactions of the English Historical Society' for 1892 (pp. 167–314) a substantial treatise on 'The Inquisition of 1517; Inclosures and Evictions' (Part I, Introduction), which, without including the statistical appendix, occupies ninety-six pages with elaborate notes. When I add that it was called forth by a brief paper from myself on the 'Character of Villein Tenure,'[1] I need hardly conceal my gratification; for even criticism is more desirable than oblivion. And yet perhaps it would have been better had so elaborate a work not been given a polemical form.

In the paper just referred to, it had been suggested that, at the time when the evictions began in the fifteenth century, the great body of the customary tenants—descendants of the earlier *villani*—were devoid of legal security of tenure (reprint, pp. 4 and 6). Professor Vinogradoff has since laid down, with all the weight of his great authority, that this was certainly the case in the thirteenth century;[2] and it can hardly be alleged that any fundamental change of legal conception took place in the next hundred and fifty years. But although it was clear from the course of the argument that in the 'Character of Villein Tenure' the reference was to the great body of ordinary manorial tenants, the term 'copyholder' had been used rather loosely as synonymous with 'customary tenant' (pp. 3 and 5). This is a use of words which, if wanting in precision from the point of view of later usage, comes naturally to any one acquainted with the contemporary writers. Thus Fitzherbert,[3] under the heading 'How many customary tenauntes there be,' writes: 'Customarye tenauntes are those that hold theyr landes of their lord by copye of courte role, after the custome of the manour.

Did the feudatories owe service to the king, as their lord, in whatever war he was engaged? Or were they only bound to follow him as king of England? Or were they, as holding *a conquestu*, only bound to serve in the dominions of the Conqueror, who enfeoffed them, *i.e.* in England and Normandy?

[1] *Annals of the Amer. Acad. of Pol. Sc.* i. 412–425.

[2] *Villainage in England*, pp. 44–47, cf. p. 165.

[3] *Surveying*, ch. xiii.

And there be many tenauntes within the same manor, that have no copies, and yet holde by lyke custome and servyce at the wyll of the lorde.' In the same way Coke[4] translates the phrase of Bracton, *quod traditur villanis*, by 'the lands which are in the hands of the inferior copyholders.' But Mr. Leadam draws a sharp distinction between 'copyholders' on the one side and 'tenants-at-will' on the other (p. 186)—a distinction which one may doubt whether the men of the sixteenth century would have felt so keenly—and proceeds to argue that in the returns of 1517 there is not only no indication of the dispossession of copyholders, except in very rare instances, but that copyholders were themselves among the inclosers.

His argument on the former and more important head is two-fold. First, that the language of some of the entries (p. 185), confirmed by contemporary statutes (p. 192), implies that the departure of the tenants was often caused by the refusal of their landlords to repair their houses. But, had they been copyholders, they would, he says, have been bound by the statute of Gloucester (6 Ed. I) to repair the houses themselves. This seems a somewhat narrow basis to rest upon; unless we hold that every statute succeeded in creating the conditions it aimed at. Moreover the passage of Coke to which Mr. Leadam refers—'wast of a copiholder is forfeiture of his copihold'—has the important proviso 'if there be no custom to the contrary.' Coke is but commenting on the statement of Littleton that 'the tenant by the custom *in some places* ought to repair and uphold his houses.' In the judgment of Littleton and of Coke alike there existed in other places a custom that the lord should repair; and with regard to such localities, if no others, Mr. Leadam's argument obviously falls to the ground.

His second argument is that 'the mention of the eviction of copyholders in certain of the recorded cases affords a strong inference that copyholders were not elsewhere to be found among the persons expropriated,' 'according to the legal maxim *Expressio unius est exclusio alterius*' (p. 187). But the force of this argument depends upon the nature of the document. Surely Returns to an Inquisition are precisely the sort of document in which we might expect information to be given in some passages which is withheld in others. We need hardly remind ourselves of the example of Domesday. And Mr. Leadam himself speaks of 'the absence of official uniformity' in these Returns (p. 185). All that they definitely state is that among those evicted there were a certain number of copyholders. It is possible that none of the others were copyholders; but it cannot be said to be clear from this particular testimony. Mr. Leadam adduces later other arguments of a more technical character; but this is all he has to say about that

[4] *Complete Copyholder*, § 12.

'contemporary evidence' which, he begins by telling us, 'shows that the copyholders were not among the evicted (p. 172).

His position, then, as to copyholders, is not proved; and even if it were, it would not, as above observed, affect the substantial truth of the proposition maintained in the 'Character of Villein Tenure.' If we consider such cases as Castleacre, where the lord of the manor had destroyed *unum integrum hamelett cum omnibus tenementis* (p. 177), the inclosure of 600 acres at Choysell, so that *inhabitantes recesserunt* (p. 266; and 'Character,' p. 12 *n*), the inclosure of 1,408 acres at Flytchen, so that fourteen ploughs at least were put down (p. 271), and the direction to the commissioners to inquire *quae et quot villae prosternuntur* (p. 174), we cannot but conclude that in some places a considerable clearance of the customary tenants must have taken place. That there were 'copyholders,' in the strict sense of the term, among them is more than possible; but it is not essential to the present argument.

Mr. Leadam seeks to carry the war into the opposite camp by maintaining that the copyholders were among the evictors (p. 172). This is probable enough; for after all it was chiefly a matter of relative strength. We know that it had become common in the fifteenth century for men of wealth to acquire copyholds; and such men would often have no scruple in getting rid of their farming tenants, if they had any. Mr. Leadam gives three cases where the evictors were probably copyholders (p. 184); and of these one was a *domina Baford*, who was evidently a great person. But in his anxiety to turn the tables on the supposed champions of the copyholders, Mr. Leadam uses language which unduly minimises the part played by manorial lords. 'Of the 125 Norfolk inclosers,' he says, 'we know from other sources that five were probably copyholders. Fourteen were tenants, whether by lease or otherwise. Of the rest *some* were lords of manors, others, no doubt, freeholders.' No one would guess from this that out of the 125, 71 were certainly manorial lords—as appears from Mr. Leadam's statistical appendix—and that they account for rather more than a half of the enclosed acreage. In other counties the lords were even more active: thus, to take random examples, in the North Riding they numbered 23 out of 29 inclosers, and account for 1,064 out of 1,202 acres; in Cambridgeshire they were 8 out of 11, and account for 1,242 acres out of 1,422.

So much then for the copyholders. But Mr. Leadam does not stop here. He contends that even the customary tenants on the land in villenage enjoyed legal security of tenure. Who then, does he think, were evicted? Only the servile tenants on the demesne. Doubtless a good many such tenants did suffer. But Mr. Leadam believes that they alone were dispossessed; and to support this he long argument to prove that there was a generally recognised

distinction between *villani* and *nativi* (pp. 193, 194, 197). The former, settled on customary land, were always protected; the latter, settled on the demesne, were never protected. This startling proposition may be safely left to the tender mercies of the historical lawyers. It seems to rest in large measure on a misinterpretation of the term *demesne*, which is used by medieval lawyers both for a whole manor and for a particular part of it. When we remember that Professor Vinogradoff lays down that in legal theory '*servus*, *villanus*, and *nativus* are equivalent terms as to personal condition,'[5] we appreciate the humour of Mr. Leadam's remark that he does not 'altogether concur with' him (p. 169 *n.*)

Mr. Leadam has done a service to economic history by his statistical analysis of the Returns. But of the 'Introduction' it is not perhaps unfair to say that if it has some of the merits of legal argument, it has some of its frequent defects. It seems more bent upon dovetailing fragmentary *dicta* into a system than upon realising the conditions of real life. W. J. Ashley.

ARCHBISHOP WARHAM'S ABORTIVE COUNCIL, 1518

Dr. Lingard with his usual accuracy of description has observed of Cardinal Wolsey that 'as legate he is said to have exercised without delicacy his new superiority over the archbishop of Canterbury and to have drawn to his court the cognisance of causes which belonged to that primate; but the question of right between them admitted of much dispute, and it is acknowledged on the other hand that he reformed many abuses in the church and compelled the secular and regular clergy to live according to the canons.'

The letter which Wolsey wrote to Warham overriding his summons of a general council at Lambeth for the reformation of the clergy fully bears out the first part of the historian's allegation. It must have been well known to Lingard, as it had been printed in Wake's 'Convocations' as well as in Wilkins's 'Concilia,' but it is remarkable that no copy of Warham's summons of the suffragan bishops of his province exists in his register or, as far as is known, in any episcopal register in the country.

But there is a copy of it among the Yelverton MSS., now in Lord Calthorpe's possession, No. XII. fol. 53b, entitled *Litera directa uniciique episcoporum Cantuariensis provinciae ad celebrandum quoddam concilium generale; tamen non emanavit.*

The document is transcribed with tolerable accuracy with only two or three mistakes of the scribe, which have been corrected. It is otherwise represented just as it is in the manuscript.

Nicholas Pocock.

[5] *Villainage*, p. 45.

Willmus permissione divinâ Cant. Archiepiscopus, tocius Anglis primas et apostolicae sedis legatus, venerabili confratri nostro N. D gratiâ N. episcopo, salutem et fraternam in Domino charitatem.

Quum dierum crescente maliciâ videmus mundum in deteriora et i mortem viciorum assidue prolabi, iuxta illud Iohannis, *Totus mund in maligno positus est*; Suscepti regiminis provinciae Cantuariensis n maxima cura solicitat, ut quantum nostra mediocritas sufficit, provide studeamus, ne in diebus nostris tacite et dissimulanter sinamus anim nobis commissas (pro quibus in extremo Dei iudicio exacte respondebimu currere in ruinam et perdicionem, Sed omnem exponamus operam metuendis eventibus huiusmodi praecludatur, et nocivis subtractis, sal berrima procurentur, proque diversitate culparum remedia quasi medic menta constituantur, incitatis bonis ut amore virtutis allecti melior fiant, et coactis malis ut formidine poenarum a viciis resipiscant, atq circa fidelium nostrae provinciae statum omnia recte dirigantur q erga omnipotentem Deum et sanctam matrem ecclesiam ecclesiaeq ministros filiorum pietas, devocio, charitasque crescat, et patrum solici cura ministeriumque circa filios eorum viam doceat et certam per semita ducat ad vitam et gaudium sempiternum.

Circa quae, quum officium nostrum exercuerimus, materiam obloquen amputabimus iis qui fortasse nobis negligentiae nomen ascriberent nos calumniarentur, quasi altum sterteremus, quum maxime vigilant esse conveniret. Itaque ad pleniorem bene antehac statutorum executi nem et declaracionem faciendam, ad divinae maiestatis reverenciore cultum procurandum, ad praeceptorum Christi, unici nostri et unive sorum Domini, veriorem imitacionem et observanciam stabiliendam, ardorem fidei incitandum, ad extinguendas libidines, ad haereses exsti pandas, ad reformandos in clero mores habitum et vestitum, s ordinibus et dignitatibus inconvenientes, Et ut Monasteria Religosaeq ad raciones et condiciones primitivarum condicionum revocentur, Ac tam regularium quam secularium personarum insaciabilis ambicio improba ingluvies reprimatur, praemissorum consideracionibus induc et suadentibus nobis aliis racionibus gravibus et arduis, Acta, statuta ordinaciones in convocacione nostrâ nuperrime celebratâ, facta nondum (quod dolenter referrimus) ad suum effectum et debitam exec tionem perducta, respective concernentia quae ad utilitatem et honore ecclesiae Anglicanae et cleri provinciae Cantuariensis reformacione [fol. 54] destinabantur, quae omnia nimis prolixum esset praesentib inserere;

Nos praedecessorum nostrorum Cantuariensium Archiepiscoporu vestigia in hâc parte sequentes, et iudicantes ea quae multorum sapie tium maturâ deliberacione et sagaci consilio geruntur firma et efficac fore, saltem quum ipse Christus affirmet ubi duo vel tres conveniunt nomine suo, ibi est in medio eorum; Omnes Reverendos fratres nostr Cantuariensis provinciae Episcopos et ecclesiae nostrae metropolitic Christi Cantuariensis supradictae Suffraganeos ad concilium celebrandu septimo die mensis Februarii proximi, in capellâ Manerii nostri Lamhith ecclesiae nostrae Christi Cantuariensis praedictae iurisdictio immediate ad praemissa inibi congrue tractanda et ordinanda duxim advocandos, ut non tantum nomine et honore praecellentes, sed reip

Episcopi et vigilantes circa gregem dominicum verorum pastorum officia simul adimpleamus.

Ad quod quidem celerius faciendum, non solum rerum et causarum evidens necessitas nos impellit, sed sacrorum quoque canonum instituta et disciplina nos obligant.

Atque etiam invictissimus et potentissimus dominus noster, Angliae et Franciae Rex, ex suâ fervente in Ecclesiam charitate tamquam optimus, Catholicus et Christianissimus pie et sancte nos in eâ parte adhortatus est.

Quocirca quum causae in praefato Concilio communicandae tractandae et concludendae maximi sint momenti, vestrae fraternitati in virtute sanctae obedienciae, auctoritate praesencium praecipimus et mandamus quatinus vos dictis die et loco coram nobis praefatis compareatis, nobiscum de et super praemissis et nonnullis aliis causis et negociis utilitatem et honorem ecclesiae, et cleri nostrae provinciae reformacionem concernentibus tractaturi, et vestrum sanum maturumque consilium nobis impensuri, ulteriusque facturi quod negociorum qualitas exigit et requirit, cum continuacione et prorogacione dierum tunc sequencium si oporteat, et locorum; vobis intimantes per praesentes, quod in casu quo dictis die et loco non comparueritis et praefato Concilio ut praemittitur personaliter non interfueritis, Nos contra vestram fraternitatem tanquam contra inobedientem et contumacem iuxta iuris exigentiam procedemus.

Dat. in manerio nostro de Croydon, secundo die mensis Decembris, Anno domini Millesimo quingentesimo xviij° et nostrae translationis anno quintodecimo.

MARY AND ANNE BOLEYN.

Since the appearance of my article on this subject, Mr. Round has pointed out to me that I have failed to take notice of all the evidence brought forward by him for the view that Anne was the elder sister; for at p. 21 of his pamphlet he cites the authority of Ralph Brooke, in his 'Catalogue of the Nobility,' as declaring 'Anne the eldest' and 'Mary the second daughter.' In this assertion, moreover, he finds that Brooke is not challenged 'even by the Argus-eyed Vincent,' though both writers 'belonged to the College of Heralds' as well as Camden, with whom they were contemporary. He therefore thinks Brooke's authority may be considered a counterpoise to that of Camden, cited by me as an authority for the date of Anne Boleyn's birth.

Now, it is quite true that I have passed by this evidence as irrelevant, because I considered that as to the mere question of fact whether Anne or Mary was the elder sister we had earlier and better testimony. I cited Camden's authority, not as to a question of relative age, but as to a positive date, which he alone gives and which it is to be presumed he took some pains to verify; and the whole of my argument went to prove that all the earliest evidences we possessed regarding positive facts, including this date of Camden's,

went to show that Mary was the elder and Anne the younger sister. Such an argument, I think, would not be materially weakened, even if more than one of the heralds of Camden's day, writing eighty years or more after Anne Boleyn's death, could be cited in favour of her seniority to Mary.

But, in point of fact, if these authorities are to be taken into account at all, Brooke, at least, may be cited in favour of either view. It is quite true that, first under the title Pembroke, and afterwards under the title Wiltshire, he distinctly says that Anne was the eldest daughter, and, in the second case, he also speaks of 'Mary the second daughter.' But if we turn to his 'Catalogue of the Kings of England' at the commencement of the same volume we read under Henry VIII, as follows:—

> Anne, the second wife of King Henry the eight, was *second* daughter of Sir Thomas Bullen, Earle of Wiltshire and Ormond.

Thus Brooke distinctly contradicts himself; and though the contradiction is not noticed by Vincent, who does not reproduce and criticise the 'Catalogue of the Kings,' but only the 'Catalogue of the Nobility,' it may be fairly said that neither of the two opposite statements is challenged by him.

JAMES GAIRDNER.

DRAFT BY SIR EDWARD HYDE OF A DECLARATION TO BE ISSUED BY CHARLES II IN 1649

CLARENDON in his 'History' (book xii. cap. 41 &c.) tells of a declaration drafted by himself for Charles II when he was at the Hague in the first months of 1649. It was submitted to the council, he says, but 'the issue was that, except two or three of the council who were of one and the same opinion of the whole, there were not two persons who were admitted to the perusal of it who did not take exception to it, though scarce two made the same exception.' Dr. Steward did not like it because he objected to the proposed admission of foreign divines 'into a synod that was to consult upon the church of England.' Others thought too few were excepted from pardon, others again that there were too many. The Scots objected to the respectful language used of the church of England. In the end 'the declaration slept, without further proposition to emit any.' This abortive declaration is, however, worth reading, partly as showing what Hyde's own views were, and partly as being the germ of the subsequent treaty of Breda. It is now printed from a draft in Hyde's own handwriting amongst the Clarendon MSS. in the Bodleian Library. It is mentioned in the Calendar of that collection, vol. ii. No 13. The notes show

corrections made by Hyde in his own draft, and variations contained in a copy by his secretary Edgman.

A Declaration by Charles the 2d., Kinge of Greate Britayne and Ireland,[1] *upon the inhumane and impious murther of his late Father, King Charles, of ever blessed memory.*

It cannot be wondred at, that after so deadly a blow, a blow which no doubte hath strooke all Cristian Kings and Princes, as well as all Christian subjects, into a deepe amazement and horrour, wee have not sooner recover'd our spiritts to that degree as to let those monsters of disloyalty and impiety, or our poore subjects wydowed and desolated by ther savage tyranny, know the sense wee have of that odious and execrable murther; nor could the lesser stroke upon our selfe (which was but the naturall eccho of that destroyinge blow), by forbiddinge our subjects to owne and acknowledge us for ther Kinge (as by the lawes of God and of the Kingdome they are bounde to do), awaken us out of our sadd silence for our owne particular concernement: wee could never expecte that those men, who with such wicked and unheard of circumstances had murthered our Father, would proclayme us Kinge to rainge over them, as they cannot be supposed to be willinge to lyve under any Kinge, so no Kinge hath reason to desyre such subjects; but the conscience of our duty to God, who requyres as well our courage and justice in reducinge the rebellious to our subjection, as our justice and clemency in the protection of the obedyent, and our affection to all our people (who are our subjects still, how wicked soever), that they may not sinke under the burthen of dispayre, which the common calamity is too ready to suggest to them, oblieges us not to suffer our selfe to be to much depressed with this waight of affliction, without lettinge our subjects know what wee intende (God willinge) to do for our selfe and them, and what wee exspecte from them.

From what degree and height of happynesse and glory that our kingdome of England, and all our other dominions, is fallen, since the begininge of this devouringe civill warr, how from beinge the envy and admiration of all our neighbours it is become a reproach and byworde to all nations, Christian and heathen, the sadd memory and experience of what is past and present sufficiently informes us. And wee have not the least doubte, but that very many who have through misinformation and misunderstandinge bene seduced to a consentinge to, or complyinge with many unlawfull actions, which produced or contributed to worse effects then they foresaw, or would have yielded to, do now decerne the inconvenience and mischieve of departinge from the knowne rule of the Law, and from usinge indirecte and unlawful wayes to compasse that, which in its owne nature might be desirable enough, and that the resolucions and conclusions, which are and shall be made by the bare power of an army, can never be thought stronge enough to supporte themselves, but must be nourished and kept by the same sworde by which they were

[1] *To his unhappy and miserable subjects of England* was originally written in Hyde's draft, but is there crossed out.

ingendred, and so the poore subjects of the Kingdome must lyve in a perpetuall and everlastinge warr, though ther should be no visible enimy to contend with.

All men now wofully feele and must confesse the neglected and unbelieved predictions and conclusions of our late royall Father, so frequently published to his people and so obstinately unconsiderd by them, are fully come to passe, that all those specious pretences of reformacion, religion, justice, liberty and priviledg would in the end appeare to be but the varnish and dresse of particular, ambitious, and desperate designes, and would end in avowed athesme, tyranny, and confusion: that insteede of reforminge a Church, as full of learninge and true piety and as voyde of errour and corrupcion as God had voutsafed to any people since the tyme of his Apostles, they would have nether reverence to any Church nor learninge or true piety in it, and insteede of advancinge the Protestant religion, for which they would be thought so zealous, they would dissolve all bonds and obligations of religion, and by revivinge and improvinge all the errors, heresyes and schismes which had bene ever heard of in the world, would introduce that liberty in opinion and that licence in practice, as must bringe greater obloquy and skandall upon the Protestant religion and the professors of it, and more indaunger the utter extirpation of it, then all the open and avowed enimyes and oppugners of that religion had bene able to doe, and that it could not be reasonably imagined, that they, who with so high a hande and in so irregular, extravagant and seditious a manner did disturbe the peace of the Church could ever reestablish peace in it; that it could not be possible that the people could have any security or assurance of ther property or liberty whilst the King's just rights and power was taken from or denyed to him; or that they who oppressed ther Soverainge could ever intend to protecte or preserve his subjects; that the priviledge of Parliament could never be maintayned by those, who denyed and snatched away all priviledge[2] from the heade of the Parliament, and that inevitably a confusion *of* Lords and Commons and a determination of ther jurisdiction would follow the invasion of the King's authority, from whence only ther's was created: What is now become of Religion, Law, Liberty, Lords and Parliament the world sees, and how ther true vigour and lustre was lost from the tyme that the King's power was eclipsed, and how ther very names are now swallowed up in his grave, and that by the same principles upon which an Army was raysed to rebell against the Kinge, that army hath oppressed the power and authority which raysed them, and have conquer'd those masters who raysed and imployed them to conquer thers, so that those unhappy men who would not be subjecte to the establish't Law and to the Kinge that governed by Law, and supported that Law for ther protection and præservation, are now subdued by and subjecte to an Army, which does not only dissolve all knowne Lawes, but leaves no hope that ever any Law shall be observed by them, or that the people shall be governed by any other rule then of ther humours, appetite and conveniency.

Since it hath pleased God to suffer that incomparable structure and forme of goverment both in Church and State to be for the present almost

[2] *Priviledges*, in Edgman's copy.

dissolved, it may appeare some instance of his future mercy and purpose that the vitall partes therof shall agayne rest upon ther good old foundations, in that he hath suffred that destroyinge and confoundinge power to fall into ther hands, whose strength and security consists only in ther combination against the old, not in ther union to settle any new forme of goverment, and are experte only in pulling downe and demolishinge, and not at all agreed what is to be built and erected in the place: into the hands of those, who after the confessed violation and breach of all those Othes, which by ther naturall Allegiance and the Lawes of the land they were oblieged by, have with the same fury violated and broken through all ther owne covenants, promises and protestations, and by ther sayinge and unsayinge, repealinge ther resolucions of yesterday, by ther votes of this day, and makinge voyde ther owne contracts and agreements, upon ther new light and discovered conveniences, have sufficiently instructed the people how desperate ther condicion must be, under such reglement,[3] and who in truth by ther transcendent hipocrisy and dissimulation have rendred themselves incapable of any creditt from ther fellow subjects at home, or confidence from ther neighbours abroade.

It will not be forgotten with what extraordinary shewes of respecte and duty they endevoured to perswade our late royall Father of ther affections to him and his service, when they first tooke his Majesty from Holmeby and marched with him in ther Army, how they willingly permitted his chaplynes and servants to attende him (which had bene denyed by the Houses of Parliament) and treated them with civillity, and declared in ther remonstrance of the 23 of June from St. Albons. That whereas ther had bene scandalous informations presented to the Houses and industriously published in printe, importinge as if his Majesty were kept as a prysoner amongst them and barbarously and uncivilly used, they sayd, they could not but declare that the same, and all other suggestions of that sorte, were most false and skandelous, and absolutely contrary not only to the declared desyres, but also to the principles which are most cleerely for a generall right and just freedome to all men, and therfore upon this occasion (they say) they cannot but particularly declare that they desyre the same for the Kinge and others of his party; and they further cleerely professed, that they did not see how ther could be any peace to this Kingdome, firme or lastinge, without a dew consideration of, and provision for the rights, quyet and immunity of his Majesties royall family, and his late partakers, And ther Generall, by his letter of the 8 of July to the Speaker, declared that ther Army had made many addresses to the Kinge, to desire his Majesties free concurrence with the Parliament for establishinge and securinge the common rights and libertyes, and setlinge the peace of the Kingdome, And to assure him, that the publique beinge so provyded for, with such his Majesties concurrence, it was fully agreable to all ther principles, and should be ther desires and endeavour, that (with and in such setlinge of the publique) the rights of his Majesties royall family should be also provyded for, so as a lastinge peace and agreement might be setled in this Kingdome, And that as they had formerly declared for the same in generall tearmes, so they should not be wantinge to owne that generall desyre in any parti-

[3] *Reglements*, in Edgman's copy.

culars of naturall or civill right to his Majesties person or family, which might not prejudice or indaunger the publique. By which generall professions and other more particular and private addresses, and by ther less rigorous proceedinge against the loyall party then they had formerly undergone, they infused into the heartes of all men an opinion of ther moderation and of ther sinceare intentions, and by this meanes removed many difficultyes they had to contende with, which done, and havinge it absolutely in ther power to doe all the good, the doinge wherof they seemed only to have deferred for want of power, they immediatly with all the circumstances of inhumanity and rigor dismissed and persequted [1] his servants, restrained his Majesties person by a much closer imprysonment then he had undergone with those from whome they had prætended to have reskued him, and pursued him with unheard of usage and contempt, till at last they performed that execrable acte of darkenesse, which Christianity trembles to heare mentioned.

For what concernes our selfe, our right and title which God hath given us, to our kingdomes and dominions, is evident and manifest by the knowne established and fundamentall Lawes and the frame and constitution of the Kingdomes, which hath as cleerely stated and determined the rights and libertyes of our subjects, and power and priviledges of Parliament. And therfore wee shall not be more sollicitous to bringe those impious murtherours to justice (which must be the vigorous and unwearyed endeavour of all good men) and to recover our owne rights and just power to protecte our people, then wee shall be to vindicate the knowne and confessed Lawes of the Kingdome, and to establish our subjects in a full possessyon of ther property and liberty, which can only constitute a happy and a blessed peace over our dominions, and to restore Parliaments (dishonored by these wicked men, and without which nether kinge or people can florish) to ther full reverence and authority, And nothinge is more in our desyres and prayers (since these bloody wretches have bene so infatuated as to dissolve and determyne that power and authority by which their owne prætended to be created, and under which venerable name they have so longe imposed upon the people) then to have a full and free convention of Parliament, wher wee shall most willingly apply all proper and naturall remedyes to the diseases which have growne out of the late distempers, or the defects which might contribute to those distempers, and shall not be so tender of and unwillinge to parte with any branch of our owne just and legall power and right, as when it shall appeare confessedly necessary for the protection, peace and even præservation of our people, havinge no resolucioun more fixed in us then to follow those devyne præcepts left and bequeathed to us by our deere Father, not to valew any right that is most notoriously our owne, æqually with the happynesse and prosperity of our subjects, and even his example, if wee cannot lyve as a Kinge to protecte and præserve them in the libertyes which in truth are dew and belonge to them, rather then betray them by any consent of ours to the ambition, private interest and arbitrary power of ther fellow subjects, to dy, as he hath done, the people's Martir.

And in such a free and full convention of Parliament we are most willinge and resolved to take the counsell and advice of a Nationall Synod,

[1] *Prosecuted*, in Edgman's copy.

in which wee shall desyre the assistance of some learned devynes of the Protestant [5] Churches, concerninge the differences and disputes in Religion, with whose pious and godly helpe we do not doubt by the blessinge of God to remoove all the desperate errors, and reconcile all uncharitable devisions, which by the passyons, animosity, obstinacy or weakenesse of severall persons miserably disturbe and hath almost confounded the peace of the Church of Christ, in the procuringe and setlinge wherof our greatest joy and fælicity will consiste.

Havinge made this free confessyon and declaration of our owne purposes and resolucions, which by the helpe of God wee will pursue throughout all difficultyes and distresses with our utmost vigour, wee are most confident all our good subjects of what quality soever who, with unexampled zeale, fidelity and constancy, have served and adhæred to our royal Father in his just defence and quarrell, and now grone under the waight of that tyranny and oppressyon which overspreades that unhappy Kingdome, of whose loyalty and high meritt we shall alwayes retayne a princely valew and estimation, will continue the same zeale and affection to us, and take all opportunity to manifest the same to our and ther owne and ther Countryes benefitt and advantage, and that such persons who upon misinformation or misapprehension have bene misledd by the insinuations and specious prætences of wicked men, or bene carryed alonge by the violence of that torrent which they could not resist, or upon error of judgement have affected such alterations as they then thought reasonable, and now discover them to be lesse necessary, at least the way which hath bene taken to procure those alterations not so justifiable, will lay hold on all occasions to expresse ther detestation of that fowle murther and parricide, and ther abominatinge the authors and abettors therof, and to repayre the ill they have done in concurringe with or submittinge to those exorbitant proceedings upon which the present miseryes are founded, by ther signall owninge and avowinge that allegiance and duty they are bounde to pay us, nor do wee question but that very many even of that Army, which supportes the greatest treason and most insufferable tyranny that hath in any age bene practiced, do and will alwayes remember the prætences upon and by which they were first raysed, and the othes and protestacions they have entred into for the defence of the King's person, the Lawes of the land, and the priviledges of Parliament, and out of a pious indignation to finde ther services applyed to so contrary and abominable ends, and to the destruction of all they were bounde and oblieged to defende, will seasonally discover ther loyall affections to the ruine of ther seducers, and to the satisfaction of the world that the errors they have bene carryed into, proceeded rather from the weakenesse of ther judgements, and unruly spiritt of the tyme, then any primitive wickednesse in ther heartes and dispositions. In a worde, that all men who desyre to be reputed Protestants, Christians or Englishmen, to how different opinions soever inclined, wil joyne as one man in the revenge of that odious, unparaleld acte, which (till it be revenged) will be an unspeakable infamy and reproch to that Religion, Fayth and Nation; And as they cannot imagyne any of those men who consented to expose there Soverainge (havinge by force dryven

[5] *Protestant* substituted for *Reformed*, in Hyde's draft. Edgman's copy has *Reformed*.

away all ther fellow Members who concurred not with them in that impious resolucion, and against the unanimous consent of the House of Peeres) to that unworthy and wicked tryall, and all those who in that new, monstrous, prætended Courte consented to his murther, worthy to lyve, but will joyne to remoove them from the earth as enimyes to mankinde, so wee do willingly offer our full and gratious pardon to all other persons whatsoever, and shall be ready to consent to any Acte of Indemnity for whatsoever they have done since the beginninge of these troubles.

And wee make no doubte, but, as all forraigners out of thernaturall sense of religion, honour and justice abominate this monstrous acte, as inconsistant with the elements of ether, and destructive to all kinde of goverment, so especially that all Christian Princes consider and looke upon it as levelled at them, and not only as a most execrable murther upon the person of one brother and ally, but a generall massacre of all Princes and Monarcks, since the impudence of these very men have not pretended the least warrant or president from the Lawes or Constitution of England, which obliege the subjects to as full reverence and obedyence to the Kinge, as that of any other kingdome doth, but clayme ther prodigious authority from the fundamentall lawes of nature and nations, and by ther writings, correspondencyes and actions incite the subjects of all Princes to free themselves from Monarchique Goverment, which they tell them they ought to do by the law of God, if, and when they can; and in truth if the pernicious doctryne and damnable example of these men gett creditt in the world, the persons of Princes and Soveraigne Governours would be in a much worse condicion then that of ther subjects, for whose examination and tryall ther are knowne rules and orders, and ther punishments proportioned to ther transgressions by confessed Lawes, wheras no methode was ever resolved on, or rules knowne, by which subjects might judge and condemne ther Soverainge for ther crymes or errors in goverment, which is so impossible to naturall reason, as well as contradictory to religion and civill policy, that in no age of the world the wickednesse and madnesse of man's hearte ever offer'd at it, till these prodigyes of mankinde putt it in practice; And therfore wee cannot but promise our selfe, that all Christian Princes will counsell and assiste us, as in a joynt quarrell *and joint interest*[6] against these enemyes of God and man, till wee are possessed of that just power and authority, which will inable us to make retribution to them of the same offices, if the wickednesse of ther subjects shall drive them into the same distresses and to protecte our subjects, and to restore them to ther full liberty and just property, which wee shall æqually endeavour with what most neerely concernes our owne interest; And whilst we retayne our owne innocence and confidence in him, wee shall with alacrity hope for and rely upon Gods assistance and protection.

At beginning, along the margin, in the same (Lord Clarendon's) hand: '*Praep. begininge of March.*'

A copy of the above precedes the original and is endorsed by Clarendon 'Preparation at the Hague for a Declaration, after the murther of the Kinge, 1649.' It has also the following endorsement:

[6] The words in italics are substituted by Hyde in his own draft for *with ther counsell, armes, ammunition, mony, and (if nede be) men.*

'This is the Declaration of which so much is said *Hist. Rebell. B.* 12, *P.* 584, 585, *Edit.* 1732. Some passages of it are carried into the Manifesto, prepared for the Diet (of which there is an English and Latin copy) drawn up after the Batt. of Worcester.'

Is this the same as that drawn up on August 26, a week before the battle, printed in the ENGLISH HISTORICAL REVIEW, vol. v., p. 117?

SAMUEL R. GARDINER.

LETTERS OF JOHN ROYDON HUGHES, 1743–1749.

THE originals of the following letters are in my possession. Six of them were written by a young ensign, the second son of Robert Hughes, Esq., in the 13th regiment of foot, General Pulteney's, to his elder brother, then residing at the family place, Trostrey House, near Usk, Monmouthshire; and the seventh and last to his sister. John Roydon Hughes afterwards became a major at the early age of 25; and soon after died at Dundee in 1750. J. R. HUGHES.

1. *John Roydon Hughes to Charles Hughes.*

Nieuwedt Camp, May y^e^ 12^th^ 1743.

Dear Brother,—I am sorry it has not been in my Power to let you know sooner of my arrival in this place, as I have been here this five days; for till now the Post has not given me an opportunity of writing. I wrote to my Mamma from Rotterdam, which I hope she has received. I have had a very pleasant journey. We travelled thro' Holland, and most of the Dutch territories, and had the pleasure of seeing the Hague; from thence we went to Bolduck a very famous place for its fortifications, and the key of the Bishoprick of Liege; thro' which in two days we passed to Maestricht, from thence to Aix la Chapelle, where our being very much fatigued and the curiosities of the place induced us to stay one day. It resembles Bath very much in regard to the Bathing places and Diversions, and people of all Nations resort there. We departed from thence to the Duchy of Juliers, then to the Electorate of Cologn. We had the pleasure of seeing the two Capital Cities of that Electorate, viz. Cologn & Bonn, in which last is the Elector's Residence. The Electorate of Treves was the next place we arrived at, where we found our Regiment encamped at Nieuwedt near Andernach upon the Rhine, with Col. Bligh's Reg^t^. Our business here is to defend a Bridge of Boats over the Rhine, where the British Troops are continually passing; when they are all over, which will be in a fortnight, we are to follow them to Frankfort, where the whole Army is to assemble. The Regiment I am in is a very fine one, and the Officers good sort of People. I like a Camp life very well; tho' I should like it much better, had I a bed to lie on, which as soon as my money is paid, Cap^n^ Levett he'll buy and send after me with my Regimental Clothes. The French have a few thousands in our neighbourhood, but we have not yet been so sociable as to visit one another, which however keeps us very alert, for we are on Guard two nights out of three, and by that time a straw bed is very agreeable.

I hope you'll give me the pleasure of seeing you before the Campaigne is over. We are got into a most lovely country. Eatables in this place is but very indifferent, but we have good Burgundy & Champaigne at eighteen pence a Bottle. Rhenish here is excellent & very cheap, but provisions very dear.

I hope to hear from you very soon ; though there is great uncertainty attending it, as it must pass through so many Countries, and we possibly may be gone. However if it arrives, nothing will give a greater pleasure to, dear Bro^{r}, your sincere Friend & humble Servant

J. Roydon Hughes.

I beg my Duty love & service to all respectively. Direct to —— of Brig^{r} Pulteney's Regiment, Head Quarters of the British Troops in Germany ; This is an odd direction ; but as we shall be gone from hence before it will arrive, that's the way I am advised to do.

2. *John Roydon Hughes to Charles Hughes.*

Hoechst Camp, July y^{e} 19. O.S. 1743.

Dear Brother,—I received your Letter some few days after the Battle,[1] and am very glad to find you all enjoy health at Trostrey. I wrote to my Mother immediately after the engagement which I hope she has received. In that I gave a full account of every thing ; and if it sho^{ld} have miscarried (which I hope not, as it may make her uneasy) you are now without doubt acquainted with all the particulars from the Newspapers. Ever since that day we have been very quiet, but how long we shall continue inactive I cannot tell. Prince Charles of Lorraine is come with an Army of 30,000 men very near us. The day before yesterday he came with Count Kevenhuller & Prince Esterhasi, with many other Generals to wait on our King ; and yesterday they reviewed the whole Army which made a most lovely sight. Princess Mary of Hesse, attended by a vast many Ladies, were there ; & a grander appearance sure there never was. A Council of Warr was held yesterday, the result of which will determine whether we have Peace or Warr. If the latter is concluded on, I fancy we shall give a very good account of the French. They are at present past the Rhine, entrenched up to their chins, but we imagine Prince Charles' Army with ours will find it no great difficulty to drive them out. I don't know in what light they look on this victory in England, but we here think it of greater importance than Blenheim.

There was a very great famine in the Camp at Aschaffenburgh, w^{h} we left the day of the Battle. The French being acquainted with that, endeavoured to stop us from going to Hanau in order to starve us, for we co^{d} not get so much as a bit of bread for two days before the Battle. Had we been so unfortunate to have been beat that Day, those that escaped the sword would have been a prey to hunger, for we had no other place to retreat to, but that desolate Country. All these things considered, make it an affair of great consequence ; it would have been a melancholy affair for so fine an Army to be destroyed in one Day, w^{h} wo^{d} certainly have been the consequence of a defeat. Besides, the French lost very nearly 12,000 Men, which is much more considerable, than what was imagined at first. We are all in hopes of having free quarters either in

[1] Of Dettingen.

Lorrain or Alsace, if War is the event of this Council, for we have hitherto enjoy'd none of the sweets of a military Life; however, the Army is in high spirits, and want another brush. My Bed is not yet come up, so that I have not been in one, ever since I came to the Army; but use has now made me sleep as well on Straw as any thing.

I hope you have repaired all breaches in y^r^ siege; tho' when we come to that kind of work, we shall wish to make 'em wider instead of it's contraste. I hope you have had pleasure on the hills. There are vast numbers of all sorts of game in this country, tho' we have something else to do here, instead of following 'em. I beg to hear from you as often as you can, but pray let your letters be longer, and let me know all the news that Monmouthshire affords. I have not known a moment's illness since I left England, tho' I have lain many nights on the ground in the hardest Rain.

I wish you all health & happiness, and am, Dear Bro^r^, y^r^ sincere Friend & affec^t^ humble serv^t^

J. Roydon Hughes.

I beg my Duty to my Mamma, Love & service to my Bro^s^ Sisters, Miss Winny, & all Friends. Remember Nurse & Thomas & let me hear from you soon. I hope Fop is well. Our Brig^r^ is made Major General. Pray let me know if M^r^ Levet is p^d^, for I have not yet p^d^ for my Tent.

3. *John Roydon Hughes to Charles Hughes.*

Spires Camp in the Upper Palatinate, Sep^r^ 24. O.S. 1743.

Dear Brother,—My earliest thanks I confess were due to you for your last obliging Letter, and nothing should have so long hindered me from paying that tribute, but the uncertainty we have of late been in, whether we should prolong the Campaign or march into winter Quarters. The first however was the result of a Council of War, pursuant to which we left Worms the 14^th^ ins^t^, and in three days arrived at Spires. We imagined we were to have attacked the French lines near Landau, which is within six miles of our Camp; but upon our approach the French quitted their Intrenchm^ts^ and are retired towards Strasburgh & their other frontier Towns. Upon their retiring, a part of our Army was detached to level their Intrenchm^ts^, which was completely finished yesterday. Prince Charles not being able to pass the Rhine has made this a very inactive Campaign; he has made several attempts, but fruitless ones. It is now reported that he is in full march down the Rhine, with intention to pass here, behind us at Spires, w^h^ in all probability will occasion the Junction of all the French Army & then an Attack on us, as they can have no other way to obstruct his passing, and they are resolved at all hazards to keep him on the other side. The Dutch, who made great difficulties at first, have now joined us with fifteen thousand fine Troops. Colonel Montwell with his Hussars harrast the French extreamly, since he has been with us. He has frequently marched up to their lines with only thirty men, and in the night alarmed their whole camp. Lately he went with Hussars under the Cannon of Landau, took Four Prisoners from an outwork in sight of the whole Garrison, and was very near burning their Magazines. This attempt however had like to have proved fatal to him; in the confusion his horse threw him, broke his leg, & he

narrowly escaped being made prisoner. 'Tis not yet known, where we shall winter; some of our Generals are for our marching into the Garrisons in Flanders, and others for our cantoning in Germany. We all wish for Flanders, where we hope to meet with Diversions, to recompense the toils of a Campaign, which are, when we are near the Enemy, pretty severe, as we frequently lie out all night in severest rain to guard the advanced Posts. The Country we at present inhabit has been intirely destroyed by the French, and 'tis with difficulty we subsist, but as we have a free communication with all Germany behind us, that misfortune will soon be removed. We are within 3 miles of Philipsburgh, so famous in history, which I have had the pleasure of seeing. This campaign has given me an opportunity of seeing a very large part of Germany, with a great many principal Cities; but I believe our travelling now is almost over, the winters in Germany being vastly colder than in England, and the Generals imagine that keeping the field too long the first campaign will destroy the greatest part of the Army, as their Constitutions are not inured to it. I hope you'll find the pleasure you propose in y^r^ hounds. I assure you, I shall often wish myself with you to partake of a hunt & a day's shooting. We have here the pleasure of coursing in the greatest perfection. Hares are so thick that we often see 5 or 6 at a time. The Game in this country is preserved for the use of the several Electors, who have horsemen compleatly armed, that patrôle about every day to preserve them. But the English Officers have the liberty of killing what they please for their Diversion. I hope Fop will please you this Winter. I should be glad to hear how he performs.

I am glad to hear all Friends at Trostrey are well. I hope to hear often from them. Letters now come very safe, the Post being regulated of late. I have met with a Monmouthshire Officer M^r^ Lewis of Meagre's Son, who is in Sowle's Regiment, which is next to us. We have a Denbighshire gentleman in our Reg^t^, one Jones who knows all my Mother's Relations, and was extreamly intimate with M^rs^ E. Griffiths; M^r^ Brace and Bethel are here, and give their service to you. Pray tell my Sisters I'll write to them soon, and believe me to be, Dear Bro^r^ Y^rs^ affect^ly^

J. Roydon Hughes.

I beg my duty to my Mamma, love & service to all. I have 3 Ensigns under me already, and there is a prospect of 3 or 4 Officers going out of the Reg^t^, which will probably before the next Campaign put me at the tail of the L^ts^ or the head of the Ensigns. Adieu. I wonder I don't hear from my Aunt, I fear my Letters miscarry.

4. *John Roydon Hughes to Charles Hughes.*

Perth, July 1^st^ 1746.

Dear Brother,—A few days ago [2] I had the favour of yours, and should have answered it the next post, but waited till I could be certain whether our Reg^t^ was destined for Holland, which I now answer in the affirmative. Gen^l^ Wolfe's, Lord Tempills and ours are the Chosen Regiments on this occasion from Scotland, which with four others from England and the Dragoons now over, will make up about 6000 Men, which we are by Treaty

[2] Written after the battle of Culloden.

obliged to furnish. The Duke, when he nam'd these Regts for the expedition, declared he would send Troops whose behaviour would never sully the honor and reputation of the British Arms abroad. I shall go over Captain, & expect my Commission down every day, and who knows but I may return a Field Officer; however I have ambition to expect it; otherwise I wd not stay in the Army. You'll have all the time you can desire to raise the Money; for as Mr Burgh has got it upon 3 pr cent Interest, whoever has lent it will not be very importunate for the payment. I hope you approve of my purchase, as it adds both to my rank & income, and if I have a Friend who will prefer me gratis, I am still ready to receive his favour, and the next step will be well worth accepting, as it will so much overpay what I have expended.

I congratulate you on your new Amour, and 's'il y a assez d'Argent,' I shall much rejoyce, when you have brought it to a conclusion. I shal be glad to know in your next, who she is; wh, if you write soon after you receive this, I may receive before we embark, which will be in about a fortnight or three weeks for certain. Lord Charles' is the third Regt of Guards. As you mentioned in yours, you intended to be at Trostrey the next week, I have directed this to you there. I shall write to my Mamma in a few days and give you further intelligence in regard to my voyage. In the mean time, believe me Dear Brother yr sincere and affecte humble Servt J. Roydon Hughes.

I beg my Duty, Love & Service to all Friends. Secretary Murray is taken, the most clever fellow the Rebells had.

5. *John Roydon Hughes to Charles Hughes.*

Camp near Maestricht June 23rd 1747.

Dear Brother,—I am so very sleepy & tired I can hardly keep my eyes open to write you word I have escaped another Battle[3] & the most desperate fire I ever yet saw. After several tedious marches we came in sight of the French Army near Maestricht on Saturday, we expected to have engaged that day, but after having canonaded each other for some time, it prov'd too late to begin an action which in all appearance would be obstinate & decisive, so both armies lay on their arms that night in expectation of the great important day. As soon as it was light we roused & prepared to engage: our Regiment & two others were advanced before a Village in the front of our left wing. About 9 o'clock the French came down in two columns to attack the village, each column consisting of six Battalions. The one attacked Lord Crauford's Regiment, the other the left flank of ours which was much exposed, had our situation been settl'd, the superiority was so much against us we must have been forced in a little time. However we defended ourselves as long as we could & till we were three parts surrounded, when we made our retreat, in 5 minutes more they would have possess'd the only pass through which we could retire, when we must have been all cut to pieces. Upon our retiring out of the village some fresh Battalions join'd us, upon which we again enter'd it & drove the French out. But they also received succour & in their turn dislodged us. In short the whole action was confin'd to that village which was won & lost five several

[3] The battle of Laufeldt.

times. The Austrians & Dutch who made the right of our Army for what reason I know not remained idle spectators of this bloody affair which enabled the French to weaken their left Wing, & pour all their force upon the English & Hanoverians who stood the Brunt of the whole action. The British & Hanover Troops behaved gloriously, but as we had not above 30 Battalions, & the French about an hundred it is not to be wondered at the French at last remain'd Masters of the Field which they dearly paid for. The Duke is well & behaved in the most gallant manner rallying the Troops, leading them on to the attack & exposing himself wherever was the greatest danger. Our loss is nothing in regard to the French who lay as thick as possible in the village, but we are unlucky in losing Sir John Ligonier who is prisoner. Our regiment has lost 1 Officer killed 3 wounded & 180 Serg^{nts} & men killed & wounded. I refer you for all further particulars to the papers as I really d'ont know what I write, so believe me,

Dear brother most sincerely y^{rs}
JOHN ROYDON HUGHES.

We have been 3 days & two nights without pitching a tent, & have had very bad weather, but I am just now going to bed. I received Betty's letter my duty love & service. I received Charlotte's letter this moment but dont know what parson she means.

6. *John Roydon Hughes to Charles Hughes.*

Nov. 4. O.S. 1748.

Dear Brother,—I have just time to inform you the Destination of the Troops is at last declared, by which we are to have Edinburgh & Stirling for our Quarters. There are no Reg^{ts} from this Army to have their winter Quarters in England except the Eight destin'd to relieve the Garrisons of Gibraltar & Makon in the spring, and two that are to be broke; so you may imagine we don't envy those Reg^{ts} England, who pay so dearly for it. As soon as the Garrisons sail in the spring, some Reg^{ts} from Scotland will march into England, and as we are most south, in all probability we shall be one. The remainder of the Army goes to Ireland. On Tuesday next we march for Williamstadt, where the Transports are ready to carry us to Leith. The next time I hear from Trostrey, let it be directed to Edinburgh. You owe me one or two Letters. I wrote to Betty last Post. I am, D^{r} Brother

Sincerely Yours
JN^{O} ROYDON HUGHES.

My Duty, Love & Service.

7. *John Roydon Hughes to Elizabeth Hughes.*

Sep^{r} 21, 1749, Loch Raunoul.

Dear Betty,—It was a long time before your Letter reached me, owing to the Situation I have been in since June, and the little intercourse I have with the Lowlands, being at present 50 Miles from a Post House. I might have thanked you for it a little sooner; but our Major and Edhouse have passed this last fortnight with me in a voluntary Banishment, and I thought every moment was due to my Friends, who came so far, & into so terrible a Country to see me. I have no prospect of leaving the High-

lands till November, when all the different Detachments are to be recalled. We are upon a very disagreeable service, and meet with an excessive deal of trouble, bad Quarters and worse Living. We have tasted nothing, but mutton water & whiskey since we came into the Hills; & there is but one Gentleman's House within 15 miles of us, who lives at too great a distance for us to partake of the Hospitality he offers us. We are obliged to send 20 Miles for Oatmeal to make bread; the Country produces nothing but milk, bad butter, & cheese. I have had the pleasure of a Letter from Jenny & Charlotte, which I shall thank them for in a very short time. I am glad my Mother arrived safe. Charlotte gives me a very agreeable account of their Journey. You can expect no sort of news from us, who don't know how the world goes; we sometimes get a Newspaper of 2 months date, which is a great joy to us. I beg to hear from you as soon as convenient, It is the greatest and only pleasure I can have; Believe me very sincerely, Dear Betty Yr most affte Brother

JNO ROYDON HUGHES.

Reviews of Books

Geschichte der Hebräer. Von R. KITTEL. Zweiter Halbband. (Gotha: Perthes. 1892.)

READERS of the ENGLISH HISTORICAL REVIEW, in which the first part of this handbook of Hebrew history was noticed at the time of its appearance (April, 1888), are already aware that Professor Kittel's standpoint is that of a moderate conservatism. On the cardinal question of the origin of the Pentateuch, which dominates all other problems of Old Testament history, he has taken his side with Dillmann against Kuenen, Wellhausen, and the other critical historians of the new school, maintaining that the Priests' Code is substantially pre-exilic, and that the main part of it is as old as the time of Hezekiah. For the history of Moses and Joshua it makes little difference whether the Code was written in the eighth or in the fifth century B.C., and the first part of Professor Kittel's book closed with the death of Joshua. But if Dillmann's critical views are just, they ought to lead to a very different construction of the period between Hezekiah and Ezra from that which is offered in Wellhausen's brilliant sketch or Stade's more elaborate history, and accordingly one looked forward to the publication of Professor Kittel's second volume with a good deal of curiosity. Our curiosity, however, is disappointed; the book ends with the destruction of Jerusalem by Nebuchadnezzar, and so does not follow out any of the great problems of Hebrew history to its close. And, what is more remarkable, the author's account of the period between Sennacherib and Nebuchadnezzar, between Isaiah and Ezechiel, is hardly influenced in a perceptible degree by his view of the origin of the Priests' Code. For a single moment, in speaking of Hezekiah's reforms, he takes up a position fundamentally distinct from that of Wellhausen and his congeners. According to the latter, the reforms of Hezekiah took place after the retreat of Sennacherib, and were due to the influence of Isaiah. Dr. Kittel, on the other hand, places the reforms earlier, and believes that 'after the fall of Samaria *priests and prophets were agreed* that the ruin of Israel was due to its having deserted the imageless worship of Jehovah at Zion.' Here there are two points to be distinguished. For the early date of Hezekiah's reforms our author rests on the words of Rabshakeh in 2 Kings xviii. 22, sacrificing on their behalf the very explicit testimony of Isaiah, who speaks of the worship of Judah as corrupt, and the images as still unabolished, in the very crisis of the Assyrian invasion (*e.g.* Isa. xxx. 22). On this point, therefore, Dr. Kittel has a text to cite in his favour, though few historians will go with him in preferring the evidence

of such a text to the contemporary witness of a prophet. But for his other point, that the work of reformation proceeded from the priests equally with the prophets, he has no evidence—nothing but the hypothesis that the main part of the Priests' Code was written to back up Hezekiah in his efforts for the centralisation of worship. Neither in the Book of Kings, nor in the contemporary writings by Isaiah and Micah, is there the slightest hint of priestly co-operation in the work of reformation, nor, it must be added, does the Priests' Code itself betray, as it could hardly fail to do, any consciousness of the purpose for which it is supposed to have been written. Prof. Kittel does not even attempt to find traces of the influence of the Code, or of the priestly party with which it originated, whether in Hezekiah's time or in the subsequent developments. Indeed, he has no sooner put forward his hypothesis than he tries to escape from it by suggesting reasons why Hezekiah's reforms presently collapsed. That they collapsed is no doubt true, and on Wellhausen's view this is perfectly intelligible. The influence which Isaiah and his little circle gained through the unexpected deliverance from Sennacherib could not last long after the first enthusiasm had died down. But if the reforms had been already in full course years before; if they had represented the convictions not merely of a small group of men, who passed with the public at large as unpractical enthusiasts, but of an important and influential class, like the priests at Jerusalem, they could not have been completely swept away in a moment of reaction; and, above all, when the work of reformation was resumed under Josiah, its form would have been determined not merely by the teaching of the prophets, but by the influence of the Priests' Code. Professor Kittel has not a word to say about all these difficulties; the Priests' Code flashes on us like a meteor in the days of Hezekiah, and vanishes entirely from the subsequent history. But in truth, it appears at more than one place, and especially at p. 319, that our author no longer adheres with any confidence to the view of the origin of the Priests' Code, elaborated in his first volume. He has not formally withdrawn it, and that is all.

Thus, as regards Pentateuch criticism, and the parts of the history that depend on it, Dr. Kittel no longer makes any firm stand against the modern school. Still less does he hold a distinctive position as regards the criticism and interpretation of the other books of the Old Testament. He is a little more timid, more disposed to find fragments of genuine historical tradition in the Chronicles, or in those portions of the older histories which the newer criticism regards as late accretions to the narrative; and wherever a point of criticism is still disputed among the moderns, he shows a preference for the most conservative solution; but his conservatism never extends to vital questions, and his general construction of the movement of Hebrew history may fairly be characterised as a diluted reproduction of Wellhausen.

On the whole, then, Professor Kittel's book offers one more proof that the main conclusions of the newer criticism are ceasing to be matter of controversy, except on the part of those who object on principle to all criticism whatsoever. We are not likely to see another attempt to write a history of Israel on the basis of an intermediate critical position like that of Dillmann; and it is pretty clear that if Professor Kittel ever follows

this book up with a history of Judaism, as he hints in his preface that he may do, his hypothesis about the Priests' Code will be definitely thrown overboard.

A history that treats crucial questions with a timid and uncertain hand cannot possibly be a great book, and can hardly be a readable one. The present volume is eminently unreadable, weak in style, as well as in conception, and lacking perspective and power of grouping. On the other hand, Professor Kittel has made a careful study of his sources, and has diligently read the recent German books that bear on his subject. Accordingly, if I were writing for a German review, it would be my duty to compliment him on being *ganz auf der Höhe der heutigen deutschen Wissenschaft*. But writing in English, I do not know that I can honestly say anything to induce an English student to purchase or read the book. For ordinary purposes the critical part is not nearly so good as Professor Driver's 'Introduction,' and the narrative not comparable to Wellhausen's 'Sketch of the History of Israel and Judah,' as it appears in the latest English edition (London: A. & C. Black. 1891). And those who are called to study the history of Israel in its minuter details will not find that this handbook enables them to dispense with the other recent German literature of the subject, much less that it supplies them with any fresh light. W. Robertson Smith.

Monumenti antichi, pubblicati per cura della Reale Accademia dei Lincei. Vol. I. (Milan: Hoepli, 1892.)

For many years the Royal Academy of the Lincei in Rome has devoted great attention to archæological studies, giving them considerable space in its 'Transactions,' and publishing every month in the *Notizie degli Scavi* regular information relating to all discoveries of remains throughout the kingdom. As the result of this increased interest in the subject, it has been found desirable to issue a larger publication describing and illustrating the ancient monuments as they are brought to light. The work has been undertaken by the Academy of the Lincei, which has placed the publication under the supervision of a committee of its members. The plan of the 'Monumenti Antichi' is to include descriptions of ancient monuments, whether Roman, Greek, Italian, or prehistoric, of artistic, epigraphical, or numismatic interest, or even of philological value, as papyri, &c. The chronological limit is that of the pagan period. The monuments to be published and illustrated in this series will be not only those found in Italy, but also those found by Italians in Greece or elsewhere; nor only those which have lately come to light in the *Notizie degli Scavi* (the publication of which is to be continued), but also those which were found at an earlier time, but which either are inedited or which there are reasons for republishing.

We now have before us the first specimen of this series, in a large quarto volume of about a thousand pages, enriched with many plates in addition to the numerous illustrations contained in the text. There is a great variety of subjects in this volume. It opens with an account of the excavations in the temple of the Pythian Apollo in Gortyna, carried out by Dr. Halbherr under the auspices of the Italian Government.[1] These

[1] *Relazione sugli scavi del tempio di Apollo Pythio in Gortina.*

excavations, important for the construction and site of the temple, and for many marbles and remarkable fragments brought to light, have also led to the discovery of a new group of fragments of archaic inscriptions which are here arranged and described by the eminent philologist Professor Comparetti, who, in illustrating them, places before us very clearly the full value of Dr. Halbherr's work.[2] Thanks to it we know now that this building was really the Pythion of Gortyna, the existence of which was already known to us through ancient writers, and we also learn that the temple originally consisted of nothing but a single hall or cell formed by four rectangular walls built of large blocks of stone without cement, which, as is well known, is the most ancient form of the Greek temple. The inscriptions, which are remarkable for their archaic form, were engraved on the outer wall of this very ancient cell when it alone constituted the temple, and long before the *pronaos* was added to it and the temple was reduced to the form which in the process of time had become usual among the Greeks. This proves the antiquity of the inscriptions, which in all the fragments discovered are of a legal character, with the exception of one containing an account of the victims offered to various divinities in a solemn festival.

Professor Pigorini, in connexion with certain excavations he has recently made, again occupies himself with Castellazzo di Fontanellato in the province of Parma.[3] It is one of the largest *terremare* or stations of the primitive Italians which exist in the lower valley of the Po. Like the others it is quadrilateral and orientated, with a *palafitta* in the interior, and is surrounded by a moat and a dyke. According to Professor Pigorini the objects excavated confirm the idea that its inhabitants came from the valley of the Danube and that they remained there till the end of the bronze period. Long after, Roman colonists established themselves on this same *terramara*, and later still some barbaric families. Among the remains left by the Romans are to be observed those of a circular temple sacred to Silvanus, on which in the middle ages a church was built dedicated to S. Possidonius. In the fifteenth century the place was changed into a castle, whence it took its name of Castellazzo.

A fine specimen of a votive hand discovered in the last excavations along the Tiber, and now to be seen in the new museum at the baths of Diocletian, has suggested to Countess Lovatelli an extremely interesting and exhaustive article on votive hands.[4]

The nature of this notice does not allow of our describing individually all the memoirs contained in this volume, and for many we must be satisfied with merely indicating the title and author's name,[5] but we

[2] *Nuovi frammenti d' iscrizioni arcaiche trovati nel Pythion.*

[3] *La terramara Castellazzo di Fontanellato nella provincia di Parma.*

[4] *Di una mano votiva in bronzo.*

[5] G. F. Gamurrini, *Della libbra etrusca*; A. Sogliano, *Il tempio nel foro triangolare di Pompei*; P. Orsi, *Urne funebri cretesi dipinte nello stile di Micene*; A. Pasqui, *Di un antico letto di osso scoperto in una tomba di Norcia*; G. Patricolo, *Di una nuova metopa selinuntina*; F. Bernabei, *Di un diploma militare scoperto nell' alveo del Tevere presso il ponte Palatino*; A. Sogliano, *L' epigrafe di P. Plozio Faustino*; W. Helbig, *Osservazioni sopra i ritratti di Fulvia e di Ottavia*; C. Robert, *Su di una iscrizione greca arcaica in bronzo*; W. Helbig, *La composizione di un rilievo Torlonia*

must not omit to call attention to the report by Professor Brizio on the excavations carried out in the years 1888 and 1889 near Bologna at Marzabotto, the spot of Felsinean ground, which after Bologna itself is most rich in Etruscan sepulchral monuments and other Etruscan antiquities.[6] The descriptions of the things found, and the tables which illustrate them seem to us to be of great interest and form an important continuation of the discoveries begun at Marzabotto by the late Count Gozzadini.

The 'Itinerary' of Einsiedeln and the 'Ordo' of Benedictus Canonicus have long exercised the ingenuity and patience of the students of Roman topography. After the works of Haenel, Urlichs, and Jordan we have now a notable reconstruction by Professor Lanciani of the map of Rome according to the records left us by those two medieval documents.[7] The quantity of new information which Professor Lanciani brings to the illustration of the 'Itinerary' and the 'Ordo,' and conclusions at which he arrives about several Roman medieval monuments, are so remarkable as to make us place this work among the most valuable contributions to Roman topography, whether ancient or medieval, which have seen the light in the last years.

One of the greatest discoveries made in Rome, during the present period of excavations, is certainly that of the epigraphical fragments of the *ludi saeculares* celebrated under Augustus in the year 17 B.C. and under Septimius Severus in 204 A.D.[8] The edition of these fragments, which have been put together with religious care, is accompanied by a special dissertation by Mommsen on the Augustan *ludi saeculares*.[9] As far as we are able to judge, the reconstruction of the fragments and their juxtaposition, on which naturally are founded the reading and editing of them, appears to have been done with great precision and intelligence, which, especially for the Severian fragments, was not easy. Mommsen's work makes the most of such information as the new discoveries afford regarding the origin and history of the *ludi saeculares*, the persons, divinities, rites, and customs mentioned in the fragments.

The account of this great discovery is doubtless the most important feature in the whole book, but before closing this rapid survey we must also mention the writing of Professor Orsi and F. S. Cavallari on the history and topography of the Sicilian town of Megara Hyblaea, and on the numerous discoveries made in its necropolis.[10] The many accounts of Sicilian antiquities which are to be found in this volume show the ever-

completata da un frammento conservato nel Museo di Berlino; A. Sogliano, *Di un dipinto murale rinvenuto in una tomba cumana*; A. Salinas, *Nuove metope arcaiche selinuntine*; E. Loewy, *Venere in bronzo della collezione Tyszkiewicz*.

[6] E. Brizio, *Relazione sugli scavi eseguiti a Marzabotto*.

[7] *L'itinerario di Einsiedeln e l' ordine di Benedetto Canonico*.

[8] F. Bernabei, *I commentarii dei ludi secolari augustei e severiani scoperti in Roma sulla sponda del Tevere presso S. Giovanni dei Fiorentini*; D. Marchetti, *Relazione a S. E. il Ministro intorno allo scavo sulla riva sinistra del Tevere, presso il ponte Vittorio Emanuele, per il ricupero di altri frammenti delle lapidi relative ai ludi secolari*.

[9] T. Mommsen, *Commentarium ludorum saecularium quintorum qui facti sunt imp. Caesare divi F. Augusti Trib. Pot. VI*.

[10] P. Orsi and F. S. Cavallari, *Megara Hyblaea; Storia, topografia, necropoli e anathemata*.

increasing tendency of Italian antiquaries to devote themselves to the study of Sicily and of her archæological treasures.

We have limited ourselves to a simple description of the contents of some of the principal articles in this volume, thinking that a more detailed review, or a criticism on every individual contribution, even had we felt competent for such a task, was not exactly suited to the nature of the studies themselves, founded as they are more on facts than theories, and on facts so extremely minute and numerous that to resume them in a few words would be often impossible. There is no doubt that historical research in its widest sense will be a gainer from the mass of new and positive data which this series of the 'Monumenti Antichi' is engaged in collecting, and it is to be hoped that the Academy itself which has undertaken the publication will make use of it in the other series of its transactions where a larger field is opened to the consideration of history. The external appearance of the book is good, but, considering the value of its contents, better paper should have been used, at least for the plates. The engravings illustrative of the text are fair, but not so the phototypes, which are inferior to the rest of the book. These, however, are slight defects, and might easily be corrected in future volumes, while, taken as a whole, the publication is worthy of the famous Academy to which we owe it.

UGO BALZANI.

Kirchengeschichte. Von D. KARL MÜLLER, Professor der evangelischen Theologie in Breslau. Erster Band. (Freiburg: Mohr. 1892.)

THE first volume of this most comprehensive history of the church deals with the period extending from the Christian era to the death of Frederick II. It might seem an impossible task to produce a work of such wide scope that should not be either superficial or painfully compressed, yet the volume before us, while eminently solid in character, is also pleasant and even fascinating to the reader. This is all the more creditable to the author in that his conception of church history includes the relations of the church to the society of every successive age, in its political, intellectual, and moral aspects, as well as the development of order and discipline without, and of thought and feeling within. As he has adapted the work mainly to the needs of theological students, he endeavours to give such a broad yet definite outline as may be filled in by more special studies and by oral teaching. His effort, 'die Zügel des Stoffs fest in den Händen zu halten, und den Blick immer auf das ganze zu richten,' has been singularly successful. Pursuing his main object with admirable sobriety and self-restraint, he avoids both controversial discussion and picturesque narrative, with the result that his judgments always give the impression of being firmly based, and the dramatic vividness denied to the parts in detail is very imposing in the march of the whole.

The division into periods and subjects is clear and convenient for reference. Under the headings of the various sections and chapters are given useful lists both of recent editions of original authorities and also of modern books, German, French, and a few English, dealing with the several subjects. The author does not, of course, pretend to first-hand knowledge of every department in his vast field, and he has not in all

cases accepted recent refutations of commonly received opinions. Thus Dunstan still figures as the great supplanter of canons by monks. In general, however, the history of the English church receives adequate attention, though, by an apparent inadvertence, the settlement of the investiture controversy is said to have been made between Anselm and William Rufus.

In his general attitude towards questions of early church history our author is a follower of Adolf Harnack and the late Dr. Hatch. The action and reaction between the ideas and institutions of Græco-Roman society and the early church receive at his hands a very interesting and comparatively full treatment. The amount of space allotted to certain crises of ecclesiastical history is not strictly in proportion to the usual opinion as to their importance. Thus in a work of over six hundred pages, the Arian controversy occupies four and a half, and the fall of the eastern churches before the Moslem invasion about one and a half. But, as we have said, Dr. Müller has to do with development rather than with incident, and again he devotes especial care to those aspects of his subject which are in danger of being overlooked by the student.

Among the portions of church history which do not ordinarily receive much attention, and the relation of which to other parts of the subject Dr. Müller is careful to show, are the functions of the Nestorian sect in mediating between the classics and Islam, and the rivalry between German and Slavonic elements in the churches of Wendish lands. As examples of broad and lucid treatment, we might mention sections 24, on the Asiatico-Roman measures against the Gnosis and Marcionism; 77, on St. Augustine; 91, on the origin and significance of the territorial position of the Germano-Roman church; and 98, on piety and general opinion, (Weltanschauung) in the west at the beginning of the Middle Ages. But the whole work shows the same grasp and the same genuinely historical spirit. It ought to find an English translator. ALICE GARDNER.

Silva Gadelica: a Collection of Tales [illegible] illustrating [illegible] Edited from MSS. and translated by STANDISH H. O'GRADY. London: Williams & Norgate. 1892.

Mr. O'Grady's book contains thirty-one Irish texts, of which all but four are now printed at length for the first time. The stories contain much historical material bearing upon the topography of Ireland, the way of life of its people, the Irish law, and the literature of several periods. The [illegible] of the Annals of Inisfallen relates at great length the travels of its possessors throughout Ireland, and in such way of Ireland to-day and in the fourteenth century might be constructed from the information it contains. The text is from the Book of Lismore, [illegible] for the Earl of Cork, [illegible] for MacCarthy Reagh, [illegible] for Sir James Ware, [illegible] for Donnell MacFirbis, [illegible] for Duald Mac Firbis, about 1667, and [illegible] for Sir Charles Smith, [illegible] for the Black Book of Limerick, [illegible] for Charles Egerton, [illegible]. The Introduction contains a good account of the various collections of Irish MSS. in Ireland, Britain, and the Continent, and of the history of Irish literature from [illegible] to the end of the seventeenth century, and of German's [illegible]

before Lughaid son of Con is related with an appeal from his judgment to that of Cormac, the chief king of Ireland. The subject of the suit is that the sheep of Bennaidh, a female tenant farmer, had trespassed on the queen's land and eaten her crop of woad. Lughaid, in accordance with the well-known early decision, recorded in the Sanas of Cormac Mac Cuillenain, king of Munster in 896, awards 'Cach rob ina chin,' the criminal for his crime, and gives the sheep to the queen. Cormac reverses the decision in the words: 'the shearing of the sheep is a sufficient offset to the cropping of the woad, for both the one and the other will grow again.' This story is from the Book of Leinster, a manuscript of 1160. A narrative of Aedh Baclamh from the Book of Lismore contains a case of murder, with the statement that the ancient usage was that eric could not be paid for it except on the formal judgment of the king of Ireland, and that with this exception the slayer was put to death. The same story gives an account of a prolonged legal fasting. The stories illustrate Irish literature as read by the people from 1106, the date of Leabhar na Huidhre, the manuscript containing 'the birth of Aedh Slaine' and 'the death of Eochaid' to 1782, the date of transcription for purposes of reading and not of antiquarian preservation of 'the life of Ciaran of Saighir.' 'The leeching of Cian's leg' is one of the books mentioned as part of the Irish library of Gerald the Great, earl of Kildare. Some fragmentary annals A.D. 615–710 are printed from Egerton 1782, a manuscript in the British Museum transcribed by the literary family of O'Mulconry from 1419 to 1517. These annals are largely filled with historical stories, but mention the battle of Magh Rath in 636 without description. They give some interesting details of the death of Blathmac and Dermot, the joint kings of Ireland, of the yellow plague in 665, and mention the subsequent succession of the kings.

The texts are edited with great care, and the versions are admirable. The whole book is a most scholarly addition to the existing materials for the study of the social condition and literature of Ireland in the middle ages.

NORMAN MOORE.

Sbornik pisem Gerberta kak istoricheskii istochnik (983–997). *Kriticheskaya monografiya po rukopisyam.* By N. BUBNOV. Vols. I. and II. (St. Petersburg: Tipografiya I. N. Skorokhodova. 1888–1890.)

MR. BUBNOV'S original intention was to write a biography of Gerbert, 'the humanist of the tenth century,' 'the precursor of the reformation,' but he soon found that it was necessary first of all to fix the chronology of the Letters, and, despite M. G. Monod's remarks that this question was a *bouteille pleine d'encre*, he manfully set to work upon the manuscripts. M. Julien Havet applied himself to the same task, and brought out his edition ten months later, in March 1889; by independent research the two scholars arrived at similar conclusions. They agree upon the necessity of departing as little as possible from the order in which the letters are given in the original manuscripts; though M. Havet's account of the origin of the texts is perhaps simpler and better supported,[1] yet to the

[1] Cf. *Mittheil. des Instituts f. österr. Geschichtsforschung*, XI. 174. M. Havet's edition (1889) is based on the manuscripts of Leyden and Rome.

Russian belongs the merit of having gone through the whole mass of documents.

The plan followed by our author was based upon the assumption that all existing manuscripts are copies from the book in which Gerbert wrote out the rough draft of his letters; it was, therefore, indispensable to find out the order followed in this letter-book.[2] Beginning with Paris, he visited successively London, Cambridge, Oxford, Cheltenham, Berlin, Bamberg, Munich, Salzburg, Rome, Monte Cassino, Naples, and Bern. The Leyden manuscript was sent to Paris, and collated there. The results of these journeys are found in the volumes before us. The first is a 'critical monograph on the manuscripts,' and, as this is the most important part of the work, we shall devote most of our attention to it. The second volume, in two parts, deals with the letters *seriatim*, and, in addition, we are promised a new edition of the text, and an account of the mathematical and other scientific works.

All existing texts of the letters are founded upon the three codices L. (Lugdunensis), S. (Sirmondi), P. (Papirii Massoni). Of these the two latter still existed in the seventeenth century, but are now lost, and we can only judge of them by copies made in the sixteenth and seventeenth centuries. The copies of S. are codd. Ch. (Cheltenhamensis), Bb. (Barberini), ed. Duchesne, and the lost materials (*schedae Sirmondi*) used by Cossart for the 'Concilia,' t. ix. Of P. we have copies in the lost materials of Lefevre, the cod. V. (Vallicellanus) which is copied from them, the editions of Masson (M.), Duchesne (D.), and the manuscript variants of Baluze in 'Bibl. Nat., fonds Baluze,' No. 129. It is impossible to say whether S. and P. were originals or copies, but in any case they were ancient manuscripts written on parchment. As for L., it is a copy, but almost contemporary with the original—*i.e.* it belongs to the end of the tenth or beginning of the eleventh century. Lo. (the original of the Leyden manuscript), S., and P. were written at the end of the tenth century, S. a little earlier than Lo., Lo. in the year 996, P. in 997 or 998.

As for the relation of the manuscripts one to another, there is absolutely no foundation for the division of the letters into the groups M. and D. Originally there was but one collection, extending from 983 to 997, on which S., P., and Lo. are based, the last-named being the most complete. Lo. was written in France (probably at Rheims) at the time when Gerbert's quarrel with the Papacy was in its most acute stage; for this reason it omits the letters which show most clearly that Gerbert and Adalberon were supporters of the Ottos. P. was compiled in Italy, after the impossibility of a return to France had become recognised; it therefore omits all references to the period of opposition to the papacy, and especially the struggle with Arnulf; it is conciliatory to Rome, and frankly bears witness to the constant devotion of Gerbert and Adalberon to the interests of the Ottos. S. may be looked upon as an incomplete edition, identical in tone with Lo. Gerbert himself was the compiler of Lo., S., and P.

After an exhaustive history and criticism of the three chief codices, and of the published editions down to that of Olleris, we come to a state-

[2] For proof of the fact that Gerbert kept a letter-book, cf. ep. VII. in Duchesne (75 in Olleris): *exemplar prioris epistolae remittimus.*

ment of the plan which ought to be followed in any new edition. There must be a division into (*a*) the letters forming the collection (*exemplar epistolarum Gerberti*) and (*b*) individual letters found scattered about in other manuscripts (*epistolae sparsae*). For the former, the order of the codd. L., S., P. should be preserved, and considered as chronological; no fixed rules can be laid down for the arrangement of the *epistolae sparsae*.

The fact that at the beginning of the seventeenth century there were but three codices of the collected correspondence of Gerbert, and that the letters enjoyed no popularity in the middle ages, is curious, but easy to explain. The writer's reputation with posterity was far from good; his political activity was misunderstood and disliked, his scientific acquirements and his good fortune aroused the envy and hatred of his contemporaries, and led, soon after his death, to the growth of a legend ascribing to him devil-given powers purchased at the price of his soul's welfare. The letters themselves, especially in L., were of such an anti-papal tendency that the ecclesiastical reader could not desire to make them known; in many respects the doctrines laid down belonged rather to the fifteenth than the tenth century, and the frequently expressed admiration for classical literature found no sympathy till the Renaissance. Then, again, as historical documents the letters are not such as would appeal to the medieval reader; facts are never referred to with clearness, but in such a manner as to be intelligible to those only who are aware of the details of the history of the period; others would naturally prefer the dry but concise records of the chroniclers. Thus, though the mathematical works were treasured and eagerly copied, the letters, despite their relatively good style and attractive form, were treated with indifference until the sixteenth century.

The second part of the first volume deals with the various versions of the collection—that is to say, it is chiefly taken up with a comparison of the contents of L. and P., the points of difference being set forth in a table, No. iii., arranged in five main groups, with subdivisions. The conclusion arrived at is that codd. Lo. and P. are two different versions of the original, compiled from opposite points of view. Lo. represents Gerbert as the faithful servant of the king of France, P. insists upon his loyalty to the Ottos, and for this purpose passes over the whole period between the death of Adalberon and the final departure of Gerbert from France, excepting only that it gives the three letters numbered CLIX., CLIII., CLIV. in Masson's edition. In Lo. there is no letter of a later date than the first half of 996, while in P. there are some which must be referred to the end of 997; Lo. must, therefore, have been written in the middle of 996, P. at the end of 997 or beginning of 998, for there is no mention of the appointment as archbishop of Ravenna, which took place by 28 April 998 at latest. Such a view is confirmed by the events; after Gerbert's departure from France, in 996, he became henceforth completely identified with the policy of the Ottos; his reconciliation with the papacy after the council of Pavia, in 997, led to the abandonment of his earlier liberal doctrines, and his struggle with Arnulf must have assumed another appearance in his eyes. In fact, the years 996–7 form a turning-point in Gerbert's career, and this adequately explains the diametrically opposite character of the two versions; the one was written in France for

French readers, the other within the empire, probably in Italy, for an imperialist public.

It is to be noted that the omission of the headings to certain letters in Lo. and P. is not due to carelessness on the part of the scribe; it is a part of the same system of editing which led to those suppressions of words, phrases, and even whole epistles of which Mr. Bubnov gives exhaustive lists. Gerbert was able by this means to preserve the correspondence itself while rendering it impossible for his readers to come to any definite conclusion about the persons to whom the letters were addressed; Lo., for instance, contains many letters which could not have found a place therein if the headings had been attached to them. Yet this explanation does not invariably hold good; to the exceptions we must simply apply the dictum, *Nomina sunt odiosa*.

The fourth chapter of the second part of vol. i. is devoted to the *notae tironianae*, for the cryptic characters which occur in some of the letters are mainly of this description, though they present not a few peculiarities of their own.[3] The difference in shape may be due to incorrect copying, but the union of various signs into one compound is managed in a peculiar way; instead of following the usual plan of uniting *notae* to form a word, the writer makes the syllable the unit, mixes cypher and ordinary calligraphy in the same word, uses a syllable to stand for a word (*e.g.* the sign for *ar-* represents *archiepiscopus*). In the 'Notae Matritenses'[4] the syllabic system is also used, but not with the same naïve exactitude as in Gerbert's letters and bulls. 'In signing his papal bulls with Tironian notes Gerbert seems to have had no particular object, except by following the traditions of the Karoling *scriptoria*, to give the documents a solemn and authoritative appearance.' But in the letters it is otherwise; the signs are meant to be unintelligible to all but the writer's correspondents. The original letter-book must have contained them, for cod. Lo. omits those passages where in P. there are *notae*; Lo. was written in northern France, where many persons were intimately acquainted with all the circumstances referred to in the letters, and could have guessed the meaning without difficulty, and Gerbert had not yet made up his mind to leave France.

In giving his letters to the world Gerbert had a purely literary aim. They are not meant to be either apologetic or political documents; negative rather than positive considerations have weight with him. He suppresses much that refers to his canonical struggle, but yet seems unwilling to disfigure or weaken the text (cf. *e.g.* epp. I., XI. ed. Masson, *i.e.* 15, 18 ed. Olleris, in Lo., which are inconsistent with the point of view characteristic of this codex). Leaving to his disciple Richer, an obscure monk, the task of writing a history of the times, Gerbert preserved his correspondence as a book *status rethoricae cognoscentibus utillimus*;[5] all other motives were secondary to this one: least of all could he have imagined that his work would, after the lapse of seven or eight centuries, become a storehouse of historical materials of prime importance.

[3] Cf. table on pp. 265–270, with conjectural readings.

[4] Schmitz, *Monumenta tachygraphica*, and *Studien zur lat. Stenographie: Pars stenographicon*. Leipzig, 1869.

[5] Richer, lib. iv. c. 73.

The contents of the collection may be arranged under three heads—(1) letters written by Gerbert himself; (2) letters from other hands; (3) articles not in epistolary form. The first class may be again subdivided into (*a*) those written by Gerbert in his own name and (*b*) those written in the names of other persons. The second class contains epp. CXLIII., CLIII. ed. Masson (148, 208 ed. Olleris) and the fragment on p. 543 ed. Olleris; their presence in the original letter-book was probably due to a mere chance, for their contents would not entitle them to any special favour. The fact that, with these three exceptions, the correspondence received by Gerbert was not preserved, is another proof that the collection was not meant to have an historical value. In the third group we find (A) official circulars, intended for publication, especially in the diocese of Rheims (*e.g.* I., XXV., XXVI., XL. in Duchesne's additions to ed. Masson); (B) rhetorical or literary productions, (*a*) purely literary (*e.g.* 'Ex persona Hierusalem devastatae universali ecclesiae,' which is generally supposed to have been written by Gerbert when he had become pope and intended to provoke a crusade—both unfounded assumptions), (*b*) rhetorical pieces written for some practical purpose (*e.g.* the political pamphlet-epistles. 'Controversia Deoderici episcopi Mettensis in Karolum,' and 'Ex persona Karoli G. in D,' epp. XXXI., XXXII. ed. Masson; the apologetic works, 'Objectio in Adalberonem—Purgatio,' 'Concilium Mosomense,' 'Oratio episcoporum habita in Concilio Causeio').

A supplement to the first volume contains—

I. 'Supplementum ad Olleris Œuvres de Gerbert,' (*a*) *Inedita*, (*b*) *Edita*.

II. *Miscellanea*—(1) 'Subscriptiones episcoporum metropolis Senonensis XI s.,' (2) 'De Conversione Constantini,' (3) 'Anathema Leotherici, archiepiscopi Senonensis, in Ragenardum, Frodmundum et alios.'

III. 'Index MSS. qui hoc libro laudantur.'

The second volume of the work before us is much more bulky than the first. It is entitled 'Chronicle of Gerbert's Correspondence,' and consists of an elaborate commentary upon the letters, thus forming, to some extent, a detailed history of the years 983 to 997; it is a proof *à posteriori* of the conclusions arrived at *à priori* in the first volume, analytical in the notes, synthetic in the text.

In summing up briefly at the end of the work Mr. Bubnov gives the following among other reasons for the special value which Gerbert's letters have as historical material. They abound in facts of great importance of which we get no trace elsewhere. These facts come to us first-hand from a prominent actor in the events described, and are worthy of the fullest confidence. From the fragmentary and obscure character of many of the references arises the chief difficulty of using the letters. On p. 939 there is a complete list of the epistles in chronological order; from this list it would appear that only in three cases has it been necessary to depart from the arrangement followed in the original manuscripts. Richer's narrative seems to contradict Gerbert in several respects, but most of these differences disappear when the chronology has been fixed; as for the remainder, we must attach more importance to

Gerbert's version; Richer preserves the sequence of time in individual episodes, but not in their connexion into a whole.

Of the secondary results at which Mr. Bubnov has arrived by his method we cannot now speak. Let it suffice that the whole of the second volume, including the introduction and epilogue, contains much matter of great interest to the student of medieval history. It is to be regretted that the work is printed in a language which places it beyond the reach of most of those to whom it might be useful. We understand that M. Havet endeavoured to read the book in the original Russian, and, for the sake of any who might feel inclined to follow his example, we may remark that the style is exceptionally clear and bright. We could have wished that an index had been appended, to facilitate reference. OLIVER WARDROP.

Two of the Saxon Chronicles Parallel, with Supplementary Extracts from the others: a Revised Text. Edited, with Introduction, Notes, Appendices, and Glossary, by CHARLES PLUMMER, M.A., Fellow and Chaplain of Corpus Christi College, Oxford, on the basis of an edition by John Earle, M.A., Professor of Anglo-Saxon in the University of Oxford. Vol. I. Text, Appendices, and Glossary. (Oxford: at the Clarendon Press. 1892.)

MR. PLUMMER'S new edition of the Parker and Laud manuscripts of the 'Chronicles,' edited by Mr. Earle in 1865, will be received with gratitude, it is to be hoped, by the large and increasing number of those who are concerned with early English history and old English literature. The first volume only has been published as yet. It contains little besides the text and glossary, the latter giving all that is wanted to make out the meanings of the words, but not including the 'proper names,' which in this case are generally the names most difficult to explain and most in need of a commentary. These, with all other historical matters belonging to the book, are to be discussed in the second volume. The editor cannot promise the second volume at any near date, but there is some compensation for this delay in the news that he is going to edit Bede's 'History' in the interval. That both undertakings will end prosperously, if the editor has his way, cannot be doubted by any one who tests the work contained in the present volume.

In this book, made up of accurate texts and a careful glossary, there is little to note with respect to the historical substance of the 'Chronicles;' a full review of the book must be postponed till time brings Mr. Plummer's notes and introduction.

There is an interesting contrast between the two editions, this of 1892 and Mr. Earle's of 1865. Austerity, gravity, precision, are the characteristics of the younger book. Mr. Earle belongs to a less anxious generation his edition cannot be compared in respect of order or arrangement with Mr. Plummer's, but it is felt at once to be more generous and unconstrained. Mr. Earle's discourse is timed by his quotation from 'Robinson Crusoe' on the back of the title page: 'And now it was that I began to keep a journal of every day's employment; for indeed at first I was in too much hurry.' There is no ornament of this sort in Mr. Plummer's edition instead of the leisurely and genial introduction of 1865 the reader

brought at once to close quarters with his task, and shut up alone with his glossary to make the best of it. Mr. Earle's preface, if less bracing, was a pleasanter way of approach to the study. But those students are not to be pitied who come first to the later edition, and there are riches waiting for them—some years ahead—in Mr. Plummer's commentary.

The new glossary will not easily be found wanting. It is not overloaded with linguistic apparatus and etymologies, which were not much wanted : a great deal of work has been put very compactly here. The explanations, though short, really explain. It must be remembered what the 'Chronicles' are made of, that they contain English of King Alfred's time, and of Henry II's, and a good deal of poetry in addition to the plain prose history, before this part of the editor's work can be rightly appreciated.

W. P. KER.

The Byzantine Empire. By C. W. C. OMAN, M.A. (London : Fisher Unwin. 1892.)

THE mere fact that it occurred to the organisers of the popular series entitled the 'Story of the Nations' to include a volume on the 'Byzantine Empire' is one of some recent signs that the endeavours of Finlay, Mr. Freeman, and Mr. Tozer to give the Eastern Rome its due place in history, have not been altogether in vain. That the Eastern Empire should appear among the Nations at all is much ; and perhaps we ought not to grumble that only one volume has been assigned to it ; but it may be questioned whether it was wise to press more than eleven centuries, charged full of important events, into a compass of 350 pages. Mr. Oman, however, has been successful in producing a fresh and readable abridgement of a long period of history, yet without omitting any important facts. This feat, however, only makes one regret the more that he was not set the easier task of treating the same subject in twice as many pages. His skill is shown especially in dealing with the empires, kingdoms, principalities, duchies, and all manner of lordships, which sprang up after the Latin conquest of Constantinople, and present—as any one who has glanced into Hopf's 'Griechische Geschichte' knows—a history not less complicated than that of modern Germany. The illustrations—most of them taken from Bayet's 'L'Art byzantin'—are good.

In a book of this kind, written by a scholar like Mr. Oman, there is hardly any room for criticism in detail. I notice that he calls John Chrysostom a 'fifth-century Becket.' Perhaps Chrysostom and Eudoxia rather recall John Knox and Mary. I am glad to see that Stilicho is spoken of as 'half Romanized'—with leave of Mr. Hodgkin. Mr. Oman doubts, as I did, the Procopian authorship of the 'Secret History ;' but I must now own that a recent monograph by J. Haury (*Procopiana*, 1890) has put the question on a new footing. Mr. Oman shows (p. 196) that Constantine V, 'though strong and clever, was far below his father in ability.' This is doubtless a just judgment, and suggests the comparison of these two emperors to their more famous predecessors, Constantine the Great and Constantius. The two fathers inaugurated new policies, Constantine an ecclesiastical, Leo an iconoclastic ; the two sons pursued those policies and showed their inferior ability by not knowing where to draw

the line. Mr. Oman entitles his thirteenth chapter 'The first Anarchy,' and we naturally expect another headed 'The second Anarchy.' I do not feel quite sure whether it is intentional or due to inadvertence, that none such occurs. The 'third anarchy' is mentioned on p. 248, but I cannot find the second. Though it is hardly fair to criticise Mr. Oman for omissions, a word might have been said about the monasteries of Athos under the reign of Nicephorus Phocas; and the unsuccessful expedition sent by that emperor to Sicily, and the exciting affair of Rametta, might have been worth a line. A line, too, might fairly have been given to the appearance of the Magyars in the ninth century. J. B. Bury.

Studien zur Rechtsgeschichte der Gottesfrieden und Landfrieden. Von Ludwig Huberti. I. 'Die Friedensordnungen in Frankreich.' (Ansbach: Brügel. 1892.)

The theme that Dr. Huberti has chosen for elaborate treatment is fascinating; indeed, to an historian who would write about a great movement the whole middle ages will hardly offer a more fascinating theme. It has so many and such deep roots, so many and such luxuriant branches; it is of primary importance in the history of civilisation; it becomes implicated with other great themes, and yet it preserves its unity. He who would paint the *pax et treuga Dei* has a splendid if an arduous task before him.

In this book Dr. Huberti aspires to show himself rather as an accurate draughtsman than as a colourist. He asks us not to overlook the three letters 'zur' which stand upon his title-page. His method may be briefly described; it is the commentator's method. What can be known of the earliest stages of the movement that is under review is to be found almost exclusively in documents which profess to give the canons that were made, the resolutions that were passed, and the oaths that were sworn at various councils and assemblies held in France—for France is the movement's 'domicile of origin,' and with France only is this first volume concerned—during the tenth and eleventh centuries. These documents our author prints at full length in his text. He attempts—this is not always an easy feat—to assign to each its proper date; he then carefully analyses its contents and discusses the relation which it bears to its predecessors and successors. This is the commentator's method, and regard being had to the nature of the subject matter, it may well appear to us as not only the most scientific, but also the most artistic method. It is very doubtful whether the most skilful word-painter could improve upon the language of these documents or substitute for it any that would be half so picturesque. Take, for example, these extracts from an oath exacted by Bishop Warin of Beauvais in the year 1023:—

'Villanum et villanam vel servientes aut mercatores non prendam nec denarios eorum tollam, nec redimere eos faciam, nec suum habere eis tollam, ut perdant propter werram senioris sui, nec flagellabo eos propter substantiam suam . . . . Bestias villanorum non occidam nisi ad meum et meorum conductum. Villanum non praedabo nec substantiam eius tollam perfide iussione senioris sui [pro fideiussione senioris sui ?] Nobiles

feminas non assaliam, neque illas quae cum eis ambulaverint sine maritis suis, nisi per propriam culpam, et nisi in meo malefacto illas invenero; similiter de viduis ac de sanctimonialibus attendam.'

The cautious particularity of the canons, resolutions, oaths, their provisoes and exceptions and saving clauses can only be brought home to us by the original documents, and yet they are the very essence of the story. Those who strive for peace are in the end successful, because they are content with small successes, and will proceed from particular to particular, placing now the *villanus* and now the *femina nobilis*, now the sheep and now the olive tree, now the Saturday and now the Thursday outside the sphere of blood-feud and private war. When they are in a hurry they fail, for they are contending with mighty forces.

It is among Dr. Huberti's merits that he does not underrate the might of these forces, that he perceives them to be moral forces. We miss the point and thread of the tale if we think that the movement is directed only against the brigand and the marauder, the robber baron who fears not God, neither regards man. It has also to contend against what has been, and is only by slow degrees ceasing to be, a righteous self-help. It has to aim not merely at the enforcement of law, but at the transfiguration of law. It cannot suppress, and we may say that it ought not to suppress, the blood feud, until it has something better, a true criminal law, wherewith to fill the void. Over and over again legislators under the influence of Roman law and Christian teaching have been too hasty; their laws have from the first been idle, or have become idle so soon as some strong king made way for a feebler son. Dr. Huberti has spent pains over what we may call the background of his picture, and has therefore refrained from an indiscriminate use of those lurid colours in which some of his predecessors have delighted. There is a great deal that is good in self-help and vengeance, and, as a bishop of Cambrai thought, there is questionable wisdom in forcing men to swear impossible oaths.

A new phenomenon appears late in the tenth century. Dr. Huberti fixes as the occasion of its first appearance an ecclesiastical council held at Charroux in the year 989. That council pronounces a general prospective anathema against three classes of persons, (1) *infractores ecclesiarum*, (2) *res pauperum diripientes*, (3) *clericorum percussores*—a cautious anathema set about with provisoes. A council at Narbonne in 990, a council at Anse in 994 do the like. In Dr. Huberti's eyes these are not merely *die ersten kirchlichen Friedensatzungen*, but also *die ersten Friedensatzungen überhaupt*. One has to quote his German words, for one could hardly translate them without some small misrepresentation of their meaning, for they are used in the performance of a delicate operation. There is something that is new about these canons of Charroux, and yet when we analyse them it is difficult for us to detect the novel element. Legislative attempts to limit the range of the blood feud are not new; excommunication as a punishment for sacrilege is not new; the privilege of sanctuary is not new; even a special care for the defenceless is not new. What is new, if I have caught Dr. Huberti's meaning, is the fusion of old elements in a conscious endeavour to mark off by general definitions a sphere of peace from the surrounding sphere of feud, so that peace itself and for its own sake now becomes the object that is aimed at. Having

defined the new phenomenon, he has to account for its appearance in a particular form, to wit, that of purely ecclesiastical canons, at a particular place and time, to wit, Aquitaine and the last years of the tenth century. This is a problem that he discusses at length, and if his solution of it is not complete he certainly has fulfilled one of the conditions of success. Some of his forerunners seem to have fancied that they had given explanation enough when they had daubed the tenth century with plenty of black and red and left their readers to supply some such suppressed premiss as that when night is darkest dawn is nighest. But night is not really the cause of day, nor order of disorder. One does not account for 'the temperance movement' by saying that drunkenness has been on the increase. Dr. Huberti, therefore, tries to show that the Aquitaine of the age that saw the coronation of Hugh Capet was the predestined scene of the first 'peace movements;' and in this context his newest and most valuable suggestion is that which would connect these movements with the survival of Roman law in Aquitane and the emergence of the principle of territorial law.

The first movement spreads outwards from Aquitaine. We can see it in progress between the years 989 and 1039; it aims at placing certain things and certain persons outside the province of fair fighting and legitimate self-help. Meanwhile, however, a second movement has begun in Aquitaine about the year 1027, or even somewhat earlier. The chronological order of our documents is not, therefore, the logical order. We have to think of successive waves starting in Aquitaine, and while the first is yet breaking over northern Gaul the second is flowing in the south. The characteristic of this second movement is the attempt to put not merely certain persons and certain things, but also certain seasons beyond the limits of the feud—to establish, we may say, 'a close time' even for the militant classes. This, the true *treuga Dei*, makes its first recorded appearance, so our author argues, in a synod held at Elne, in Roussillon during the year 1027. 'The close time' is at first but a brief space: it extends only from noon on Saturday to daybreak on Monday; but already before 1041 its beginning has been thrown back to vesper-tide on Wednesday, so that but a very short half of every week is left open. Then other holy seasons get exempted, until at length almost the whole period that lies between Advent and the octave of Pentecost is closed. Here again Dr. Huberti is at pains to show how much and how little is new, and the task is not a very easy one, for the attempt to make Sunday and other festivals days of rest and peace and immunity from legal process is old enough. What seems new is the conscious effort to use the sanctification of these days as a means for obtaining as much peace as possible and the application to them of the idea of 'truce,' of an armistice ordained by God and sanctioned by sworn contract.

The true 'truce of God,' which consecrates seasons, becomes part of that 'peace' for which men are striving; they now desire *pacem et treugam Dei*. Many persons, many things, as well as many seasons are *taboo* to the decently conscientious man-at-arms, even to the reasonably prudent man-at-arms, for—and here there is a very interesting episode—both church and state will be against him if he exceeds the narrow boundaries of lawful warfare, and indeed the two powers can now afford to be

little jealous of each other and inclined to quarrel over the right to punish him. A great deal more remains to be said. In one chapter Dr. Huberti deals with the adoption of this originally French institution by the popes and the catholic church; in a last chapter he traces the legislation by which the French kings gradually destroyed that right of warfare, which in the thirteenth century had already become the distinctive privilege of *gentix hons*. Here he has paused. As yet, except when speaking of the canon law, he has confined himself to France or Gaul, and, unless I am mistaken, he is reserving even Normandy, about which there is much to be said, for separate treatment. We are allowed to hope that in connexion with Normandy he will tell us something of England, for the last word about 'the peace of God and of our lord the king' has not yet been uttered. At any rate his next volume will concern itself with the German *Landfrieden*, an institution as essentially German as the *treuga Dei* is essentially French.

I dare say but little more of this first volume than that I have read it with great interest, and that some of its merits are more apparent at a second than they are at a first reading. This is due to the method that I have called the commentator's method. One gradually learns where to look for the main arguments which are at times hidden from view by subsidiary discussions. Signs of solid industry are everywhere apparent. There is a little more bickering with forerunners and fellow-labourers than is to our English taste. One sometimes wishes that Dr. Huberti would leave Sémichon and Kluckhohn alone and just tell us his own version of the story regardless of other versions. Still his theme is one that has suffered from a too lax use of terms such as 'peace of God' and 'truce of God,' and his efforts to establish a stricter usage, and one better warranted by the ancient documents, are praiseworthy and—so it seems to me—in the main successful.

At the same time I cannot but think that he has allowed his book to grow to an unnecessary size, and that the average quality of his matter would have been better if its quantity had been less. For example, he makes, as already said, the interesting remark that the country in which each successive 'peace movement' begins is the country of the written, the Roman law. On this there follow some ten or twelve pages which deal with the survival of Roman law in Aquitaine and contain some paragraphs which are almost wholly made up of references. Such is one which begins thus: *Wir bemerken eine Beeinflussung durch Gaius in formulae Bituricenses* 9: *'dum lex Romana declarat etc.;' durch Paulus in formulae Turonenses* 17, *Turonenses* 16, *Marculfi II* 19, *Bituricenses* 2; *durch Ulpianus in formulae Andegavenses* 41—and so forth. There is a place for all this erudition (which can be now somewhat easily collected), but it is not the place that Dr. Huberti has found for it. It should be put where it will be looked for, and it will not be looked for here. Two or three well-chosen sentences, stating in general terms the results attained by those who have made the medieval history of Roman law the object of their researches, would have been far more to the purpose than this heap of notes.

F. W. MAITLAND.

Quadripartitus, ein englisches Rechtsbuch von 1114 *nachgewiesen und so weit bisher ungedruckt.* Herausgegeben von F. LIEBERMANN. (Halle: Niemeyer. 1892.)

IN 1885, in his revision of Schmid's list, Dr. Liebermann announced the importance of the text distinguished as 'Appendix XXXIII Lat.,' a law book of Henry I's time, noticed already by Madden but not edited, though it has been used by Thorpe for the Vetus Versio of the Old English laws. It was (in the manuscript M.) entitled Quadripartitus. It was imperfect there were several manuscripts of parts of it; but none contained more than the first two books.

This work now appears, and it is edited in the way we are accustomed to find Dr. Liebermann's work done, with care, learning, and intelligence; and in a concise and handy form. There is much of interest in it, as the production of one of the first schools of English lawyers after the Conquest, and a forerunner of Blackstone and Bracton and 'Glanvill.' It fills a lacuna in our long list of law books, and enables us to realise the feelings and ideas of one who lived at an important epoch in English legal history. In spirit it has some affinity with the late 'Dialogus de scaccario.' We know only its date from internal evidence (Quad. II, Pr. 14 and Arg.)

Its dedication exists, but, although the person to whom it is addressed is not named in our manuscript, we learn that it was a respected friend and patron who had set the author his task. The argument includes a panegyric upon 'the king and duke of the Normans withal, our august lord the Caesar Henry son of the great king William,' and notices his great deeds in war and peace. 'Qui libertatem ecclesie, securitatem patrie, pretium uirtutibus, gratiam laboribus, gaudia merentibus, suffragia poscentibus pia miseratione respexit: qui Gallorum leuitatem, Normannorum pugnas, Brittanorum furias, Cenomannensium iactanciam, Flandrensium uanitatem, Teutonicorum maiestatem, Ponteii perfidiam, Andegauis periuria, Pictauorum ludicra, qui Danorum minas, Hiberni barbariem, qui multorum lascessentes triumphauit ineptias et rapinas abstulit. Quique diu miseram redemptionis nostre stipem cum gaudio receperant, tributa nobis, tributorum multorum multiplicato furore reddiderunt: quique nostro sepius accrocitarant funeri carcerum tediis et miseria sonuerunt. Quid Rodberti fratris eius infausta nauigia, qui Roberti de Belesmo presumpta rebellia, quid audacis Moritolii famosa molimina, quid tot uirorum principum timenda subsidia, quid incendia Baiocarum, Cadunis nequitiam, Falesii constantiam, Diuensium cruciatus, Rothomagi concordiam, quid paucorum ueritatem, quid multorum prauitatem, quid o fraternas acies decortasse commemorem. . . . Nunc hospitem sine dampno suscipimus, nunc ueltrariorum monstra, falconum circinnia, decurionum torcias [tornas?] et nebulonum furias et infinita malorum discrimina, Dei miseratione, mansura securitate non timemus.

The scope and prospect of the work is thus explained (Quad. Ar. 30-32): 'Huius igitur operis primum librum transtuli, secundum collegi et amplius euagatus, quarundam causarum necessaria capitula, cotidianis decertationibus apta, subiunxi quod in quinque libellorum diapsalmata titulaui, sicut antiqua patrum disciplina predocuit uel sicut noua modo

norum sollertia castigauit. Primus liber continet leges anglicas in latinum translatas, secundus habet quedam scripta temporis nostri necessaria, tertius est de statu et agendis causarum, quartus est de furto et partibus eius.' This passage is not without difficulty. For either *quinque* must be a mistake for *quatuor*, or there is something left out which would explain the *quinque*. The title of the treatise, whether the authors' or not, shows that it was supposed to be a fourfold work. The two books upon 'Status and Procedure' and 'Theft and its Divisions' are missing, and possibly (the editor thinks) were not compiled. Bracton's great treatise is a melancholy example of an unfinished work. We must look for some fragment to turn up which may give us some idea of the treatment intended to be pursued with regard to these topics at this early period. When the sources of later law tracts are thoroughly examined, we may learn more.

Besides the dedication, argument, and preface to book ii., 'super decretales emendationes Henrici regis,' almost the entire correspondence in book ii. concerning chiefly Gerhard of York and the investiture question, has not hitherto been printed, giving seven new letters of the period: Et amor—conseruet; Beata et amabilis—conseruet; Scribo tibi—uultis credens; Ubi primum a uanitate—collaborare; Licet mihi—esse ualeam; Amor uester qui—sed uerum est; Dulcissima est—plurimum placet. There are also several additions to the Vetus Versio in book i. deserving attention. The most important concern the Ps A·Gu. (the authenticity of which they support) and iv and vii Aethelred. There is also a Latin text of Judex and there is a Vulgate version of Alfred's Eccl. Laws. The translations of Old English law-phrases are important; *e.g.* twelf hinde=plene nobilis; bocland=libera terra or feudum; 1 manca=30 denarii; burig =curia; the oath for 60 hides=id est pro hominibus vi; the king's mund=pax. The election of the confessor is thus told. 'Tandem reuocato Eadwardo, Aðelridi regis filio, mediante Alwino Wintoniensi episcopo et Godwino comite, conuocatis apud Horsteheuet totius Anglie baronibus, ita demum in regem suscipiendus auditur si eis Cnudi leges et filiorum eius inconuulsa stabilitate suo tempore mansuras iuramenti satisfactione sanciret.' This gives us new facts—the bishop's part in the election, the oath and the place, East Horstead, on the road to Lewes. The Chronicle D., *a* 1043 reads, 'and eall folc underfeng ða Eadward to cinge swa him wel gecynde was;' and E., *a* 1041, 'and ear than þe he bebyrged wære [Hardacnut], eall folc gecoas Eadward to cynge on Lundone;' and *a* 1042, 'Her wæs Æðward gehalgod to cyng on Winceastre on Æster dæg mid mycclum wurðscipe.' Ælfwine had been 'king's priest' to Canute. Florence talks of Living, bishop of Worcester, having been influential along with Godwine in the election, but omits mention of the bishop of Winchester. Other historical notices there are (all noted by Dr. Liebermann) as the reference to the 'heathendom of the Swedes,' which reminds one of the famous prologue to Swold Battle in Olaf Tryggvesson's Saga; but enough has been said to show the scope and value of the text and the excellence of the edition.

F. York Powell.

Philipp II August von Frankreich bis zum Tode seines Vaters, 1165–1180. Inaugural-Dissertation. Von ALEXANDER CARTELLIERI. (Berlin: Mayer & Müller. 1891.)

Forschungen zur Politik Kaisers Heinrich VI in den Jahren 1191–1194. Von Dr. HERMANN BLOCH. (Berlin: B. Behr's Verlag (E. Bock). 1892.)

Gründe der Gefangenschaft Richards I von England, nebst Anmerkungen zu einigen englischen Quellenschriften des Mittelalters. Inaugural-Dissertation. Von AEMIL R. KINDT. (Halle: Gebauer-Schwetschke'sche Buchdruckerei. 1892.)

THESE three learned pamphlets all deal with the same period, and all seem to owe their main inspiration to Professor Scheffer-Boichorst of Berlin. The least substantial of the three is that of Mr. Cartellieri. As Philip Augustus became king of France when a boy of fifteen, his history before his accession is a somewhat limited subject. But the writer still further narrows his ground by cutting his story short when his hero is only twelve, and referring us for the rest of Philip's early history to a forthcoming article in the *Revue Historique*. It hardly seems necessary to make two bites at so small a cherry. The substance of the present dissertation is included in some twenty-five pages, and, as the sources are naturally very scrappy and fragmentary, it has little continuity and unity. Apart from this, the work is not at all badly done. The writer knows his authorities, makes some new points, and tells some parts of his story with more spirit than we always get in writings of this sort. For example, we may refer to the account of the rejoicings that followed the birth of the long-desired heir to the French monarchy. Perhaps some credit for this is due to the lively character of Giraldus Cambrensis's narrative, which is here followed. It is, however, curious to call Giraldus an 'Englishman,' and still more inapposite to describe him as a 'predecessor of Machiavelli.' The 'Earl William of Mandeville,' spoken of in 1177, would be more accurately described as earl of Essex. There are one or two useful corrections of Pauli's 'Geschichte von England,' and some careful genealogical tables, which latter, however, are hardly quite complete.

Dr. Bloch's pamphlet of a hundred pages is a much more solid and mature work. His object is to criticise some portions of Toeche's 'Kaiser Heinrich VI,' published in 1867. Dr. Bloch accepts Toeche's general view as to the character and policy of the Emperor Henry. He agrees that he was an able and strenuous statesman, and, as Toeche says, the clearest expression of the ideal of the German middle ages. But Dr. Bloch thinks that Toeche has misconceived the importance and bearing of the first years of Henry's rule. Toeche, he maintains, has made Henry a much worse man and a much poorer statesman than he really was. Like an ungrateful pupil, Dr. Bloch turns the weapons placed in his hands by his master against the master himself. But it is only to justify more abundantly the master's general conception of the character and policy of their common hero.

Toeche accused Henry VI of undertaking far more than he could ever hope to accomplish. He maintained that, undeterred by his disaster before Naples in 1191, he aimed at the subjection of Milan and the destruc-

tion of the Guelfic house while carrying on at the same time his war against Tancred of Sicily. Henry thus fell into such difficulties that nothing but the good luck which brought Richard of England into his hands enabled him to get over his troubles. Dr. Bloch, in a very careful survey of Henry's policy between his Italian expeditions of 1191 and 1194, shows that this view is erroneous. Far from aiming at the destruction of Milan, Henry showed a scrupulous respect for the liberties granted by his father to the Lombards. The local rivalries of Milan and Cremona lay at the bottom of the Lombard disturbances. Henry only joined Cremona and her allies because he saw in them his firmest support against the pope and the Normans. He really wished for peace in the North in order to carry out his plans in the South. In the same way Henry strove earnestly to keep on friendly terms with Henry the Lion, and only yielded to the importunity of his nobles when he ultimately declared against the Guelfic house. The murder of the claimant to the bishopric of Liège cannot be justly set down to Henry's discredit. There was no conspiracy of Saxon nobles at all in 1192. But the rising of the nobles of the Lower Rhine in 1193 was a formidable danger to Henry. By this time, however, he had got possession of Richard of England. He cleverly used Richard's influence over the Rhinelanders and Guelfs alike to bring about the restoration of peace. His main objects in treating with Richard were political. The final treaty was very creditable to both parties, and secured for Henry both peace in Germany and the supplies of ready money which were necessary for his campaign of 1194. Far more clearly and precisely than Toeche, Dr. Bloch brings out the political necessities which determined Henry's dealings with Richard. He has added four valuable 'Beilagen,' of which the fourth, which deals with the surrender and re-grant of the English monarchy to Richard, will be read with most interest in this country. In it he shows clearly, as against Toeche, that Henry conferred England as a fief on Richard at the diet of Mainz in February 1194.

The third pamphlet treats in more detail of subjects also investigated by Dr. Bloch. It is a very careful piece of work, with more thought and learning than are always to be found in degree dissertations. Like Dr. Bloch, Mr. Kindt wages war against Toeche, and still more against Lohmeyr, who saw in Henry's action against Richard little more than pure brigandage. But though Toeche deserves credit for bringing out the political aspects of Richard's captivity, he does not, we are told, go far enough. According to Mr. Kindt, the capture of Richard was purely the work of the lords of Görz and Austria. He does not believe that Henry ever issued an edict ordering his captivity in case he passed through the empire. Engelbert of Görz sought to take the disguised king a prisoner because he regarded him as the murderer of his uncle, Conrad of Montferrat. Leopold of Austria finally captured Richard because of his private injuries and the wrongs of the emperor Isaac of Cyprus, his kinsman. Henry only came in when he was appealed to as lord of the world to try certain definite charges brought against Richard. With his high imperialistic pretensions Henry had no other course open to him. But after the transference of Richard to the emperor's hands, the conditions of his release gradually change. We hear no more of Cyprus, and much more of Tancred of Sicily. Richard's refusal to surrender his kingdom was the cause of his

prolonged detention. Henry never seriously thought of playing into the hands of Philip Augustus and John by accepting their bribes to keep Richard in prison. But he used their offers to frighten Richard into accepting his terms. Finally, Henry cleverly employed his triumph to make a close alliance with Richard against France. The grant of the kingdom of Arles to Richard, though never leading to any definite results, assumes in this way some sort of importance. All these points are brought out clearly, and with great knowledge of the authorities. If some of them suggest a slight tendency to over-subtlety, they certainly make Henry's action more intelligible than the more old-fashioned views. But for all that, the ransom must still have remained a very solid argument to the necessitous emperor. In the latter part of his treatise the writer works out a line of criticism, in some ways suggested by Mr. Howlett in his edition of William of Newburgh. Hoveden and Newburgh did not borrow from each other, but took their story from some common source which has not come down to us. T. F. Tout.

Cangrande I. della Scala (1291–1320). Von Hans Spangenberg. (Berlin: Gaertner 1892.)

This painstaking, careful, and scholarly work forms a most valuable contribution to our knowledge of political and military history in north-eastern Italy during the thirty years which it professes to cover. In its sobriety of exposition and its minuteness of detail, the book may possibly be deemed dry, but it is undoubtedly sound, and, like wine of that description, it inspires confidence. By a conscientious use of authorities and an abstinence from coloured writing, we obtain a view of these thirty years more luminous and more convincing than any which a more imaginative handling could have given us.

Herr Spangenberg's volume deals, ostensibly, with the life of Cangrande I. della Scala, down to the year 1320; but in reality it constitutes a history of the north-eastern Italian communes within the period proposed. We learn how Cangrande acquired for himself the leadership of the Ghibelline party, and, incidentally, the display of his progress introduces us to all the complicated intrigues, the shifting policy, the dreadful sufferings of Padua, Vicenza, Treviso, Monselice, Montagnana, Mantua, Cremona, Brescia, the whole district embraced by the Scala influence, with side-lights on the attitude of Bologna, Genoa, Milan, and Venice.

The first three—Bologna, Genoa, Milan—were deeply implicated in the endless feud between the party of the Church and the party of the Empire, between Guelph and Ghibelline, between the feudal spirit, which a foreign dominion was attempting to impose upon Italy, and the inherent desire for independence which had always animated the Italian communes. But Venice was hardly, as yet, an Italian power; her interests were still directed eastward to the Levant, and to her commerce there; she had not, as yet, embarked upon her career of land empire, and so we find that the Republic, though she could not be absolutely indifferent to what was taking place so close to her borders, played a mediatory and pacific, not an aggressive part in these combinations

Nevertheless the development of the Scala dominions is of the highest importance in the career of that great Republic, which was one day to rule the whole of north-east Italy; for the terrible weakening and wearying of the land populations in the various communes, by the incessant wars which that development entailed, rendered them powerless to resist their vigorous neighbour of the lagoons, and, at the same time, made them only too content to submit to a firm rule which could give them security and peace. And therefore we find that, as the bloody atrocities of Ezzelino da Romano paved the way for Cangrande's lordship in Verona, so the development of the Scaliger's dominion rendered the final pre-eminence of Venice more feasible.

In his narrative of the steps by which Cangrande achieved supremacy among the Ghibellines of north Italy, Herr Spangenberg has given us what is virtually a military and political history of the time. The complicated campaigns of the period are detailed with a minuteness which leaves nothing to be desired, with a geographical accuracy that suggests a personal acquaintance with the localities. At one point only do we feel any doubt, that is when, on page 178, Herr Spangenberg says that Spinea *etwa* 1000 *Schritt von der trevisanischen Vorstadt S. Tommaso entfernt ist*. Either this is not the Spinea marked in Herr Spangenberg's map—the only Spinea I know—or else there is a serious error here; for the present Spinea is much more than a thousand paces distant from Treviso, and lies to the south-west, not to the north-east of the city; but this is a point of small moment.

The author, by a most conscientious adherence to his authorities, has conveyed to the reader a very vivid impression of the fighting and strategic ability of the commanders who figure on his pages, above all of Cangrande himself, who stands out as the most resourceful, the most courageous, the most active of the group whose chief he was. But there is left upon the mind a still stronger impression of the long agony to which peasants and burghers alike were subjected by the ambitions of a few lords, or the hatred of a few party chiefs; lands wasted by fire and sword; river courses bodily altered; rich champaign flooded; whole villages burned to the ground; till we wonder how there could be any one left to till the soil, and marvel that any recuperative power should have remained to restore the country.

For Cangrande himself we are made to feel some of that enthusiasm which clearly inspires the author. Nothing can be more vigorous and vivid than Herr Spangenberg's account of Scala's two greatest fights; at St. Peter's, before Vicenza, which was won solely by Cangrande's personal courage, and secured for him Vicenza itself, the preponderance in the Trevisan March, and the reduction of Padua to a secondary position; and Bassanello, before Padua, which was lost in spite of Cangrande's courage, and deprived him of nearly all that he had previously acquired.

When the news reached Verona that the Paduans held St. Peter's outside Vicenza and were threatening that city, Cangrande was at feast, celebrating the wedding of his nephew with a daughter of Lucchino Visconti. He rose from table, sprang on his horse and set out for Vicenza. At Montebello his charger broke down; Scala jumped into

a peasant's cart, and entered Vicenza in the incredibly short time of four hours after leaving Verona. Without a moment's delay he called his troops together, drank one glass of wine, and was out upon the enemy before they dreamed that he had left his capital city. Cangrande's victory was complete, and not the least interesting part of the story is the way in which he treated his numerous and influential prisoners of war. They were well lodged in Verona, and Scala amused himself with many hours of witty, pungent conversation in their company, throughout which he never for a moment lost sight of his diplomatic aims, which were to secure the partisanship of his prisoners when they returned to their native cities.

On the political side this volume gives us an admirable sketch of the way in which a great Ghibelline family rose to pre-eminence under the shelter of the imperial name and the imperial idea; while, incidentally, we have a valuable passage on the position and the duties of an imperial vicar. The author insists too much, perhaps, on the influence of the empire in Italy, or rather on the loyalty of the great Ghibellines to the emperor. The object of all the influential families in north Italy, whether Guelph or Ghibelline, was really to found a dynasty if possible. They drew support from the empire or from the papacy, as the case might be: just as their opponents drew their support from the papacy or the empire: but neither papacy nor empire was of supreme importance to them except as means to their end, the erection of their own family into a sovereign house. The presence of an able emperor, such as Henry VII. in Italy, naturally called forth a display of loyalty from the Ghibellines: but we find that when the emperor is weak and absent, or with doubtful pretensions like Frederick of Austria, Cangrande pays no more attention to him than he does to the pope; and he distinctly refuses to obey an imperial order to surrender the castles of the Trevisan March. He was ready enough to make use of the imperial condemnation of Padua, but he ignores the imperial condemnation of himself.

Herr Spangenberg's volume does not conclude the career of Cangrande. It leaves him, after the defeat of Bassanello, under the ban both of empire and of church. It does not follow him through his fresh period of success, which ended in the capture of Treviso, and brought the house of Scala into collision with the Venetian Republic; but we have to thank the author for the best and minutest account of events in north-eastern Italy of the mainland, during the thirty years which he has chosen as his field of research. HORATIO F. BROWN.

Two Thousand Years of Gild Life. By the Rev. J. MALET LAMBERT, M.A., LL.D. (Hull: A. Brown & Sons. 1891.)

In Dr. Lambert's book, the second half, that which contains the ordinances of a number of Hull guilds, is the most important part, for in the present state of our knowledge no greater service can be rendered than by putting original records within the reach of students who have so far had to depend mainly upon the collections of Riley and Toulmin Smith. Valuable as those materials are, they prove very

meagre for purposes of generalisation as to the position of the crafts from the fourteenth to the eighteenth century; for Toulmin Smith touches but little on the subject of trade organisation as such, while Riley shows us the crafts only under the special conditions of London life, and both come to an early close. Every trace, therefore, of the organisation of the working classes in the provinces is of the highest interest, and with regard to Hull Dr. Lambert's local knowledge and enthusiasm have enabled him to bring together and present a mass of details of the highest importance for the comprehension of the whole subject. Take, for example, his very ingenious and interesting argument in proof of the connexion between the tailors' craft and the Guild of St. John Baptist—an instance which shows what suggestive bits of history may lie outside books and within reach only of the local observer.

Not a few interesting subjects are suggested by a survey of these ordinances. An amusing story like that given on pp. 177-8 forms a pleasant parallel to the tales of the towns of the fifteenth century during the Wars of the Roses, and illustrates the kind of influence exercised by trading communities on national policy. With regard to the single brotherhood formed by the minstrels from the Trent to the Tweed (p. 132), it would be interesting to know if Dr. Lambert has found any evidence to show whether the minstrels attached to great lords were obliged to enter the guild or whether they were free from its obligations. This fraternity, which is here stated to be unique, had its parallel in the organisation of the girdle-makers of all England; and the fact of such unions over wide areas of scattered members too weak to stand alone may help us to understand the curious instance (on p. 262) of a combination of weak trades in a single locality—a phenomenon which appears in many places from the latter part of the fifteenth century. The several characters of many of the ordinances here given may also suggest a question as to the true significance of what seems to have been a common case, —viz. the organisation of a craft as a religious guild without the faintest reference to its trade. Of this the guilds mentioned on pp. 118, 124, and 126 are examples, and if further evidence could be procured throughout the country it might help to solve the question whether behind a religious veil there lies hidden the history of an early struggle of the crafts for an illicit independence from the iron rule of the towns or the guild merchants —that is, of an attempt to secure the right of self-government at a time when constitutional authority looked askance at such efforts and aspirations. We know how in earlier days the London journeymen and apprentices conspired 'under a feigned colour of sanctity' to gain more independence; and how the merchant adventurers of London were charged with having mounted to authority, 'so by colour of such feigned holiness' as the name of St. Thomas conferred; and it is not impossible that traces of a lost chapter of history may be preserved in some of the numerous religious guilds of which the records have been preserved.

However, the main historical importance of the ordinances given by Dr. Lambert lies in the relation which those trade regulations bear to those of earlier times, without reference to which they cannot be understood. Here unfortunately Dr. Lambert has left his readers without due guidance, or rather he has even confused their judgment by the use

of certain loose and vague expressions of opinion. He judiciously notes that the great landmark of industrial change is not the sixteenth, but the eighteenth century (p. 190); for the sixteenth century marked in fact the close of a vast industrial revolution which had been going on for three hundred years before, and which had gradually established the system that was to last till the end of the eighteenth century. He is, therefore, of necessity wholly opposed to the view that what chiefly claims our attention in the sixteenth century is the decline of the guilds. At that moment in fact what we have to examine is the guild system when after centuries of growth it had reached its full maturity and won power to assert its full pretensions. Dr. Lambert, however, has nowhere indicated any of the salient points of difference between the guild in its earlier and in its later stages of development. For example, his general statement on pp. 185–6 as to the necessary qualifications for trade are altogether misleading as they stand, without a word of reference to the date of the ordinance, the place where it was made, the special circumstances, or even the varying customs of various trades within the same locality—though the existence of these last differences might have been made out even from the records in the present volume (see p. 278). He nowhere refers to the sameness of the later ordinances as compared with earlier rules; nor to the deadly monotony of the modes of election of officers, so different from the varied and brilliant experiments of the early days of expanding life; nor again to the evidences furnished by the rules themselves as to their voluntary or their enforced character. This last question indeed of the relation of the crafts to the municipality is throughout left in a somewhat confused condition. In some places Dr. Lambert recognises the full subjection of the crafts to the town authority, while in other passages (see p. 98) he speaks as though the craft used its delegated authority with complete independence. Nothing is said of the constitution of their courts of arbitration, the strict limitation of their powers, the causes in which the craft had no jurisdiction but of which the mayor's court alone took cognisance, and the significant forms observed in the execution of justice. Considerable confusion arises from quoting '*even* the weavers' guild' as a typical instance of the self-governing powers of the crafts. For it seems clear that the charter obtained by this guild in very early times, when municipal government was in its infancy, gave rights of separate jurisdiction which, absolutely unknown to later guilds, proved intolerable to a more organised city government, and which were in the course of a century or so, if not abolished in form, certainly so altered in fact as to bring the guild at last into conformity with the general system of the municipality. To use it, therefore, as a typical illustration is most misleading, and has possibly betrayed Dr. Lambert into statements as to the powers of crafts which the town records do not justify. The case of the fullers of Lincoln discussed on pp. 61–2 is probably closely allied to that of the London weavers, and if so it can scarcely be used to serve the purposes of the argument in those pages.

Dr. Lambert divides the guilds into two main groups, affirming that after the time of Henry II the most influential craft guilds obtained direct patents from the crown, while others were left under the rapidly develop-

ing municipal government (p. 186). But it would surely have been well to give more than a casual phrase to so important a definition, and to show at what times such royal charters were given, to what trades, for what purposes, with what effect. If indeed the guilds are to be grouped in this way, some sufficient proof must be made out for the alleged fact. The earliest instance given here is that of the London tailors in 1299, for which Dr. Lambert thinks it sufficient to give without further verification the mere statement of Stow (p. 231), writing three hundred years after the fact, without any reference to his authority. The next is that of the Exeter tailors in 1466—a charter which was regarded as such an invasion of municipal rights that it was revoked by parliament in 1482. Then come the charters to the merchant tailors of London and of York in 1503, and that to the Hull merchants in 1577 (ch. xvi.). Here the dates should be noted, as well as the fact that all these companies, save the one whose royal charter was cancelled, were associations for *foreign* trade, and possibly obtained by such charters a certain commercial status and privilege which the king alone could give. In any case they cannot be considered as typical *craft* guilds any more than the Exeter tailors' guild can be taken as an example of all other tailors' fraternities (p. 230). On the other hand, a list of the guilds which in the sixteenth and seventeenth centuries obtained royal 'compositions' would probably show that these charters enforced a subjection to the town authorities as absolute as any known to earlier days. We have in these Hull ordinances one story of the passage of a guild from dependence on the municipality to dependence on the crown; for though Dr. Lambert believes the merchants' guild of St. George to have stood to the municipality in a relation of peculiar freedom, it is not at all made clear in what respect he supposes this guild to have originally differed from an ordinary craft guild (see p. 156) either in its constitution or its powers. Matters of course changed when the guild bethought itself of obtaining from Elizabeth a charter which should deliver them from municipal authority, and the history subsequent to this point is full of curious suggestions. Having got by this charter a right unknown to craft guilds—namely that of making their own laws 'according to their own discretion,' with leave to hold property, and power to enroll their own members without any reference to the mayor, they proceeded fifty years later to have their corporate seal made in 1647 (p. 177), and then in 1661 to demand the keeping of their own charter instead of leaving it with the mayor, and they actually succeeded in securing at least a copy (p. 178). So far their course was clear, but the later results of such emancipation, in this case exceedingly curious and suggestive, cannot be adequately dealt with in this place.

Dr. Lambert has done a useful work in seeking in his earlier chapters to awaken interest in a very great subject—the historical origin of the guild system, and the probability that the English crafts inherited traditions of an immemorial antiquity handed down to them from the clubs and associations of Greece, the Collegia and Sodalicia of Rome, the factories of the Phœnicians, and the trading associations of Syria and Egypt under imperial rule. It is most important to recall attention to this side of the subject where much work remains to be done, though the way was pointed out some ten years ago by Dr. Hatch in his 'Organisa-

tion of the Early Christian Church,' a book in which Dr. Lambert might have found valuable suggestions and details with which to have enriched his chapters. He gives a striking illustration (on p. 26) of the continuity of custom in fraternities from ancient times in his use of St. Paul's phrase 'Does a brother go to law with brother,' where he shows the reference to the courts of arbitration of the guilds authorised to settle for each fraternity all questions that arose within the body. If it be ultimately proved by further study that there is in fact a continuous record of associations of working men or of traders carried right on without break throughout the ages that followed on the breaking up of the Roman empire, we shall have perhaps the most remarkable instance on record of the quiet continuity of the life of the people from age to age which underlies all the storms and revolutions that vex the surface of human society.

In his discussion of the later history of trade associations, Dr. Lambert has avoided the mistake of supposing that the guild system can be understood apart from the two things upon which guilds depended, namely the conditions of trade and the municipal government. So well, indeed, has he realised this that he goes far afield in his researches, conducting the reader by a wandering route over a vast and shadowy tract of country without a very clear idea of whither he is going, or indeed of whether he is moving forwards or backwards. At one time distracted from the real subject at issue by a multitude of casual details which have no relation to it, at another he is perplexed by the vast number of problems which rapidly crowd upon his notice only to be as rapidly banished from sight. Great questions, such as the influence of the French commune, the organisation of the staple, the rise of the merchant adventurers, the constitution of the English borough, are dismissed in three or four pages of hasty comment in which the reader can hardly discern, as Dr. Lambert expects him to do, the 'fairly clear outline' of the guild merchant or the vision of the English borough. If he is constantly troubled by some confusion of thought or vagueness of statement about elementary matters in the study of municipal or commercial questions, he is occasionally also tempted to ask why Dr. Lambert should not quote directly from the true authorities, instead of, for example, always giving his reference to a statute through Merewether and Stephens, and the like—a system which is not a little dangerous.

Trade in general is unfortunately dealt with but slightly, and no notice is taken of problems which had specially to be solved by Hull. In the loose account of municipal government there are many elements of confusion. On p. 63 the triple distinction drawn between towns on the demesne of a king or of a great lord, those under the sheriff, and those which paid their ferm to the king, is no valid definition of the various groups of towns; nor is it easy to see how a town which had the right of fee-farm, freedom from intermediate officers, courts to hold its own pleas, and other rights besides, could have been without the 'well-marked municipal organisation which we find two centuries later on.' It is possibly this inaccurate division of towns, with its neglect of the vast number of boroughs on ancient demesne, that leads to the inexact representation of the struggle of the boroughs for freedom as being a struggle against the baronial power (p. 89). In the same way it is

rd to recollect any instance of a town which had no central bond of ity on account of being 'composed of the distinct jurisdictions of parate lords' (p. 61). We are constantly baffled by an apparent con-unding of the freedom of the city with freedom of condition, as though l the inhabitants of a town who had not been admitted to its franchise ere necessarily bondmen, or perhaps 'semi-servile' (pp. 86–88, 139,)0, 196). And there is a similar confusion between winning the freedom f the town by seven years' apprenticeship to a trade and winning it by esidence (p. 69), though to confound these two is to lose the clue to ome of the most important developments of borough organisation. Dr. Lambert seems to think (p. 62) that because citizenship was possible it was necessarily desired by the inhabitants. On the contrary the fact is that a variety of causes often made them unwilling to claim the privilege, and indeed there were cases in which towns had to force large numbers of their inhabitants to take up the freedom. In his discussion of French communes, he scarcely seems to state the real point made by M. Luchaire in giving the commune a place as a part of the feudal society. 'It *had* a seigneur,' says Dr. Lambert, adding that it was further subject to various feudal obligations; but this is very different from M. Luchaire's admirable account of how the commune *became* a '*seigneurie collective populaire*,' and the far-reaching consequences produced by the mere fact of bringing this new element into the feudal hierarchy (p. 70). It would be interesting to know if Dr. Lambert could produce a more satisfactory instance, or indeed any illustration whatever, besides the supposed case of London, to prove that English kings in attempting to limit municipal freedom were applying those lessons they had learnt abroad (p. 71). How many charters of John were given before 1204, and how many of these bear traces of the constitutions devised for purposes of frontier defence on the continent? It might perhaps be suggested that in his summary on p. 71 he misses the true cause of the contrast between the free English borough with all its constitutional significance, and the French *ville de bourgeoisie*; but then Dr. Lambert is content to adopt the theory which M. Luchaire quotes from French historians that the dying out of the commune in France was of little consequence so long as their other privileges, mainly commercial ones, were left to the people.

In the discussion of town constitutions, however, Dr. Lambert may be said to be dealing with subjects outside his proper topic. But can anything be more unsatisfactory than his discussion on p. 98 of the probable jurisdiction of the merchant guild? The series of arguments on which he builds up his case forms a very tottering support to his final statement, given as decidedly as if it did not rest on a mere guess, that 'what the ecclesiastical courts were on a great scale, the mercatorial were on a small one.' This conclusion is here justified by the facts that '*even* the guilds of the weavers had their courts,' that the staple (an organisation created by the crown in the interests of the royal treasury, charged with the administration of a law different from the ordinary law, and granted a special charter for the performance of its special functions) possessed courts for mercantile jurisdiction, and that crafts *with the aid of the municipal authorities* could put offenders in ward. The first and second cases from their exceptional character have no bearing on the

point at issue, and the third goes far to disprove the assumption of any independent jurisdiction, since the position of the crafts would exactly illustrate Dr. Gross's view of the guild merchant. There is indeed much to be said about the development of the jurisdiction of customary courts of arbitration in cases where the process has been actually observed, but this really essential side of the subject is not alluded to by Dr. Lambert.

With regard to the very important question of the relation of classes in early days and the evidence of conflict between them Dr. Lambert seems to have no doubts or hesitations. He apparently finds no difficulty in stating that fraternities of journeymen formed to better their position were exceptional and unimportant phenomena (p. 190). He is yet more definite on another point. 'The struggle which has been assumed to have taken place between guild merchant and craft guilds is, so far as England is concerned, a mere myth' (p. 102). It is well to remember that no sufficient account has ever yet been given of the manner in which the craft guilds were formed within the body of the merchant guild, or of the steps by which the guild and municipal body became merged into each other. We have learned from Dr. Gross that the life of the guild merchant as the sole body entrusted with the organisation of trade was very brief; and that when by methods wholly unknown as yet it was ousted from this position, in many cases apparently, and for reasons not yet analysed, it became identical with the governing body of the town. But until, in the cases of a few towns at least, the process has been actually studied and told in more detail, all generalisation about it is cheap and valueless. Meanwhile the relation between the guild and the franchise, which Dr. Lambert dismisses in too summary a fashion on p. 99, is full of unsolved problems, and so too is the relation of the craft guild to the guild merchant. Of one fact alone there is no doubt, that there was a very severe struggle between the poor population of the boroughs and the wealthier classes, a struggle which was hotly maintained in the thirteenth century as well as in the fifteenth. But while this fact is put beyond all question by the municipal records and by the rolls of parliament, the exact conditions of that struggle have still to be determined, and until the whole subject has been worked out with adequate care, expressions of opinion, however precise and dogmatic, are out of place and only misleading. ALICE S. GREEN.

Hanseakten aus England. 1275 bis 1412. Bearbeitet von KARL KUNZE. (Halle a. S.: Verlag der Buchhandlung des Waisenhauses. 1891.)

THIS volume, the sixth of the admirable series of *Hansische Geschichtsquellen*, is the work of two hands. In 1886 Dr. Ludwig Riess, whose studies in the early history of representation in England were noticed in No. 17 of this Review, was commissioned by the 'Verein für hansische Geschichte' to search the English archives for such documents relating to Hanseatic history as had escaped the vigilance of Reinhold Pauli and Wilhelm Junghans. But no sooner had Dr. Riess completed his visit to England, than he resigned his task to accept the chair of history at Tokio in Japan. The work of editing and arranging the materials which he

left behind was now entrusted to Dr. Karl Kunze, of Göttingen, and the result of his labours is the volume before us.

In editing the documents—a task of no small difficulty for one who had no direct access to the originals—Dr. Kunze has done his work admirably, having followed as models the *Hansisches Urkundenbuch* and the *Hanserecesse*. Some of the most important documents, which refer to the general history and European relations of the great Hansa, have been reserved for a subsequent volume of the *Urkundenbuch*. But the rest constitute an ample harvest for a gleaner who had to follow in the footsteps of Junghans and Pauli. They are divided into three sections.

The first part (pp. 1–198) contains documents from 1275 to 1412. They are nearly all taken from the Public Record Office and the City Records, with a few extracts from the Red Register of Lynn. The most important are printed in full, while a summary only is given of such as are purely formal. They consist for the most part either of disputes about debt, robbery, or taxes, brought before the exchequer or the mayor's court, or of royal grants of naturalisation, protection, or special privileges to individual merchants. They throw a flood of light upon the relations of German traders to the English state and to the city of London, and also upon the character and extent of the trade which they carried on in this country.

As long as the monarchy was strong enough to protect them, the German merchants were able to maintain and extend their privileges, in spite of the jealousy of their English rivals. On the whole too they were more popular in England than the Italians, who had a larger share in trade and who combined its profits with those of money-lending. For some time they enjoyed greater advantages in the matter of customs duties, not only than other foreigners, but even than native traders. But in the later years of Edward III and the minority of Richard II the royal protection lost some of its efficiency, while the development of domestic manufactures diminished the exportation of raw material, and rendered the competition still keener for the trade that remained. At this time the friendly relations between England and the Hansa tend to disappear and open hostility begins to take their place. Baltic ships were not infrequently seized by English privateers, and the Germans were not slow to attempt reprisals. The Teutonic Order, as protector of the towns in the eastern Baltic, also became mixed up in these quarrels. A treaty at Marienburg in 1388 failed to put an end to mutual acts of hostility, which at the beginning of the fifteenth century again give rise to negotiations on the part of England with the Hansa and the Teutonic knights. A conference was arranged to take place at Dordrecht in 1406, which was postponed by the English envoys, and ultimately took place at the Hague in August to October 1407. The second part of the volume (pp. 201–327) prints in full from the Cotton MSS. in the British Museum the documents referring to this conference and to the disputes which gave rise to it. The chief interest of these papers lies in the changed attitude of the German Hansa in London. Hitherto it had been an independent corporation of merchants, making its own terms with the English government, and looking after its own interests and privileges. But it was no longer possible to maintain this independence without the energetic support of

the crown, and the merchants were compelled to appeal for support to the great league of towns from which most of them originally came. Thus was completed the great change by which the merchant Hansa in London, like the similar corporations in Wisby, Bergen, and Novgorod, became a 'counter' of the Hanseatic league. For a time they maintained their trade under these altered conditions, but with ever-increasing difficulty, and the growth of national feeling in England proved fatal in the next century to the privileges of a corporation which was so obviously the colony of a foreign power.

Part III (pp. 331–363) consists of tables of exports and imports by German merchants between the years 1277 and 1399. They are unfortunately very incomplete, but are not without considerable value. Not only do they show us what commodities constituted the chief articles of German trade and what ports were specially frequented; they also throw light on the proportions of German commerce as compared with that of other foreigners, and on the history of the English customs.

To all but specialists the most interesting part of the volume will be the careful and elaborate introduction of Dr. Kunze. In this he has traced very fully the history and extent of the privileges enjoyed by the Hansa in London, and its relations with the monarchy and the city. More original and equally thorough is his account of the legal processes by which debts were recovered by or from foreign merchants, and his analysis of the exports and imports during the fourteenth century. Section 5 on 'Die englische Tollpolitik' gives a clear and complete account of the growth of customs duties in England, and of the way in which they affected the German merchants. The value of the book is immensely increased by a very full and accurate index. R. Lodge.

History of the New World called America. By Edward John Payne. Vol. I. (Oxford: Clarendon Press. 1892.)

There are few departments of historical inquiry in which more progress has been made during the last half-century than in the study of early maritime explorations on the American coast. There is almost no recognition of such progress in this book. A few foot-notes hint at, rather than express acquaintance with a small part of what has been done; but that is all.

In respect to the Northmen voyages our author bends everything to support a theory that the recollection of those voyages had an effect on subsequent enterprises of sailing westward from England. He tries to give his theory—that such later voyagers made a circuit to the northward—some confirmation in the lands which he says lie south and west of Iceland in the Behaim globe of 1492, and between that island and the northern coast of Asia. If we look at any correct delineation of that globe—say Ruge's—we find these lands to be only conventional Arctic spaces, such as continued to be seen for many years in the maps, and lasted long after Mercator's time. Instead of lying south and west of Iceland, they are found in accurate drafts of that globe to be north and north-west of Iceland. For all that appears in Mr. Payne's account of these Norse explorations there has nothing been done in this field since

Rafn, fifty-five years ago, announced his theories, now long exploded. Our author distinctly asserts that the only alternative theory of the Norse landings is that of Hugh Murray, who in 1829 contended that Vinland was a part of Greenland. There have, in fact, been scores of theories advanced since Rafn first created an interest in the subject, and there is not a stretch of the American coast from Labrador to Long Island Sound which has not been pointed out as the sojourning place of Leif Erickson and the rest. Indeed, Mr. Payne might see in the principal residential street of Boston a statue of this Norse adventurer, supposed by some to be on a spot which he might have sailed over. In following Rafn in placing the Norse settlement in Rhode Island Mr. Payne speaks of the locality 'as the pearl of that *fertile* region which afterwards became famous by the name of New England.' The New Englanders have long boasted that their race got its hardy qualities from the sterility of their soil, and they think they see some proof of it when they count the abandoned farms of that country and gaze after the crowds of their young men who desert them for the richer west. Mr. Payne does not quite believe that the old mill at Newport, of which Rafn made so much, is a Norse relic; but in fact it was long ago proved to have been built by an early settler of Rhode Island. Relying upon the interpretation which Rafn gives to a term in the sagas, signifying the length of the day at the summer solstice, as settling the latitude of the Norse sojourn, Mr. Payne ignores the later Icelandic discussions on this word, which lead to the conclusion that Rafn was wholly in error.

Mr. Harrisse, who is the highest living authority on these Atlantic explorations, has recently said that 'there is no evidence that south of the Baltic mariners knew of, or attached any importance to, the voyages of the Scandinavians;' and yet our author, without bringing forward the slightest proof, contends that the recurrent efforts of the English to discover the supposed Island of Brasil, lying off the Irish coast, arose from such an acquaintance with the Norse exploits, and he undertakes to identify this fantastic Brasil (which did not drop out of the admiralty charts till twenty or thirty years ago) with the Vinland of the Northmen, and further still with the Baccalaos of the Cabots and Cortereals. There is the same unqualified assertion when Mr. Payne comes to the Zeni story. He rarely has any doubt of anything which he wishes to believe, and so the Estotiland of the Zeni narrative is 'clearly Newfoundland.' He cites Reinhold Forster as having settled all the Zeni problems a hundred and ten years ago, but says nothing of all that has been done by a score of scholars since Forster, notably Mr. Major and the Baron Nordenskiöld.

Mr. Payne refers to Sir John Mandeville as 'an English knight, who was in truth both faithful and sagacious within the sphere of his own observation.' The 'Encyclopaedia Britannica' might have put him on his guard, even if he never had seen that volume of the Roxburghe Club's publications in which Mr. G. F. Warner has shown that the famous travels of the professed English knight were merely the conglomerated pickings from a wide range of romance by a French compiler, Jean de Bourgogne. 'To cite the travels,' says Mr. Warner, 'as possessing any authentic character, and to count Sir John Mandeville among our English worthies as a foremost pioneer of travel and adventure, is utterly unwar-

rantable.' Yet on this authority Mr. Payne relies to believe in an island lying away off the Norway coast, which Mandeville made somebody visit and which the Norse had called Vinland.

The truest thing in Mr. Payne's treatment of the story of Columbus is the apt characterisation which he gives of that dauntless and skilful mariner, fortunate and unfortunate as he was by turns; he is inaccurate about the details of his life. When we remember the protests of the Spanish queen and the warm crusade of Las Casas against the enslavement of the Lucayans, one hardly knows what to think of the statement that 'neither in Columbus's time nor long afterwards was there any glimpse of a lighter dawn' for the poor heathen.

Washington Irving made out Columbus to have been born as early as in 1436. Mr. Payne believes that the admiral was born as late as in 1456. Irving seventy years ago had not the advantage of the proofs and reasons which have been marshalled of late years by Staglieno, Harrisse, Markham, and others in favour of the intermediate date of 1446; but Mr. Payne might have availed himself of them. He knows of the attack which Harrisse has made on the 'Historie' of Ferdinand Columbus, but he contends that enough of it is substantiated by other evidence to preserve its value. It would have been well if he had pointed out what evidence there is other than in that book and Las Casas, user of that book or its prototype, for a belief in a voyage of Columbus to Iceland in 1477, or in any other year, especially since Columbus at a later day, in relating his experiences, puts the range of them towards the north as ending in England. When one reads in these pages of Columbus in his discouragement going to Genoa and Venice to seek patronage, it is hard to believe our author could ever have heard of the very serious doubts which modern investigation has thrown upon such statements.

Mr. Payne seeks to separate the purpose of Columbus from those of his predecessors, in that he abandoned 'the illusory Antillia' and concentrated his aim 'on the Indies themselves.' Columbus neither abandoned Antillia nor was the first to seek the Indies. Some of King Alfonso's captains had sailed years before to seek a 'continent.' Columbus counted on Antillia as a resting-place in his progress, should he fall in with it, as all navigators of that time did and as Toscanelli recommended.

Mr. Payne accepts Varnhagen's theory of Mariguana as the land first seen by Columbus, and makes no reference to the multitude of discussions which have taken place of recent years upon this subject. He does not notice the strong tendency to follow the opinion, which Mr. Markham, not to name others, has emphasised, that the true landing-place was Watling's Island. Our author says of the return voyage of Columbus that 'Pinzon again deserted him on the Atlantic.' This is possible, but where is the evidence to show that Pinzon's disappearance at night in a gale was other than a forced one? 'Pinzon,' he says again, 'only reached the north of Spain after Columbus had put into Palos.' Pinzon reached his northern port before Columbus reached Palos, and having put to sea again, arrived at Palos on the same day with Columbus. Our author adds that Columbus wrote his first letter 'after putting into Lisbon.' He wrote it at sea, and only a postscript was added—and this is doubtful

after entering the Tagus. He speaks of a single Spanish edition; Mr. Quaritch could show him a second. He says seven editions were printed in Latin; there was an eighth, printed at Antwerp. The reader of this book would never suspect that Columbus spent some trying months in Jamaica during his last voyage—when, really the man under his trials appeared at his best—when we read that from Veragua 'Columbus retired broken in health and spirits to Española.' The Columbian collector finds on his shelves a long row of books on the recent question of the present resting-place of the admiral's bones. One would never imagine there is any question to be settled when Mr. Payne asserts that they lie at Havana.

As Mr. Payne goes on he still reverts to his theory of the southern acquaintance with the Scandinavian voyages. 'A description of one fertile isle which they had reached had penetrated to the world of southern Europe.' This is, he says, the Vinland 'which the Englishman of Mandeville is supposed to have reached by the way of the east. . . . It was this isle which John Cabot reached,' &c. This Venetian adventurer went thither from Bristol, we are told, because the Norse voyages were not forgotten, and he got there because he went first to Iceland, passed the winter there, and during the next spring sailed further on and reached the new isle by following the Greenland coast. This is a wonderful exploit to be accomplished between early in May and 24 June in the same year. This course assigned to Cabot's track—of which nothing is known—is simply an assumption to prop up the author's theory of a northern 'process' of discovery. He says the Norse had somewhere named their discovered parts a new-found-land, and the English of Henry VII's time spoke in a similar way of Cabot's Baccalaos. Therefore they were one and the same. One might suppose Columbus went thither too when we find him referring to the *insulis noviter repertis*.

La Cosa is known to have availed himself both of the Spanish and English discoveries in making his mappemonde of 1500. Mr. Payne considers it a 'happy conjecture' on La Cosa's part to connect the Cabot region by a coast continuous with the southern continent; but a glance at the map shows that La Cosa actually evaded this question of continuity by imposing a vignette of St. Christopher just where the continuity could be made apparent. Since the publication of the Cantino map and the recent disclosure of its congener the Canerio map, and ever since Harrisse and others have unearthed records of the presence of Europeans on the eastern seaboard of the United States, during the early years of the sixteenth century, it has been known that Ponce de Leon had forerunners on the Florida coast. Mr. Payne, however, says that 'Florida was first reached from the Bahamas in 1513.' Reference should have been made to Mr. Major's paper in the 'Archaeologia,' 1884, on the manuscript gores in the queen's collection at Windsor, which, if not the work of Da Vinci, as Mr. Major maintained, were that of some one in 1512 or 1513. This would have saved Mr. Payne from the assertion that the Schöner globe of 1515 was the first to show an antarctic continent.

Passing to the voyage of Verrazano, Mr. Payne undertakes to write upon it without once resorting to the extensive literature of the subject

during the last thirty years. He seems to have heard of Mr. H. C. Murphy's discrediting the famous letter written by Verrazano, but he cannot have read the book of that scholar, for he speaks of the Carli letter, which is preserved in Florence with the letter to Francis I, as 'remaining hitherto unnoticed,' when Mr. Murphy not only gave an English translation of it, but also the complete Italian text, in 1875. The Carli letter was indeed printed as long ago as 1844 by Mr. George W. Greene, then American consul at Rome, and has since been reproduced not only by Mr. Murphy, but also by Mr. Buckingham Smith and Mr. Carson Brevoort. It is unfortunate that Mr. Payne did not make use of other publications on the subject by Dr. de Costa and Signor Desimoni of Genoa. In the face of the Maiolo map, which Desimoni brought forward in 1881, the Jean Verrazano map, which was found in the college of the Propaganda at Rome and the well-known engraved map of Michael Lok, it is impossible to assert that the copy of the letter to Francis I alone 'preserved Verrazano's adventures from oblivion.'

In the remaining section of the book, which is rather anthropologica than historical, Mr. Payne has two theories which he strives to mak good in accounting for the advance of the American aborigines from savagery towards civilisation. The first theory is founded upon a change from a natural to an artificial basis of food, which is not original. The other is what he calls the covenanting of gods and men as creating a religion. He does not profess to have finished this aspect of the early history of America in the present volume, and it is hardly time to examine his position till he has thoroughly exposed it. But there seems so far to be the same lack of acquaintance with the diversified treatments of these archæological aspects which have of late years engrossed so much attention not only in America, but in Europe, if we may judge from the successive volumes of the 'Congrès des Américanistes.' The United States government has done much to foster this study. The scientific territorial surveys conducted by American army officers west of the Mississippi, including the reports of Simpson, Hayden, Wheeler, and others, are all rich in contributions to a knowledge of the condition, early and late, of the aborigines, and to these must be added the extensive labours of the United States Bureau of Ethnology under Major Powell, or of the Peabody Museum at Harvard under Professor Putnam. If there are any signs of acquaintance with their results, they seem remote and at second hand. Dr. Brinton and Mr. Bandelier are once or twice referred to; but there is no evidence of any comprehension of the magnitude of the work they have done, the former largely in linguistic studies to establish alliances among the native tribes, and the latter in field observation, mainly under the patronage of the Archæological Institute of America. The studies of Mr. Fewkes, derived largely from the material gathered by Cushing and others for the Hemenway expedition in New Mexico and neighbouring regions, are wholly ignored; and we find no acquaintance with the large periodical literature devoted to this subject which is current in the United States.

There is no phase of the aboriginal history of North America which has been more actively discussed, with constantly new developments up to the present hour, than that which concerns the identity of the race of

the 'Moundbuilders' with the Red Indians of historic times. The Peabody Museum at Cambridge, Massachusetts, and the Bureau of Ethnology at Washington may be said to be the centres of opposing views. Mr. Payne is content to rely upon Waitz, whose opinions, he thinks, formed thirty years ago, 'completely settle' these points. The question of the channel by which North America was peopled is easily determined to Mr. Payne's satisfaction by pointing to Bering's Straits. The most advanced student of this subject now working in America is probably Dr. Brinton, and he has recently said that the American man came from Europe. Mr. Payne, however, believes that the only other theory besides his own is that of the autochthonous origin of the race, as advocated by Morton fifty years ago.

Mr. Payne decides that inhabitants of the United States have been called 'Americans' 'from their independence, previous to which the name Americans invariably denoted the natives.' If he will look in Burke's 'Speeches' and elsewhere he will find that when it was necessary to refer to the English colonists in a body they were often called Americans, and so it was at all times when they found it for their interest to band themselves together, and long before they declared their independence.

Mr. Payne considers it 'absurd' to call the idol of the Aztecs now preserved in the national museum at Mexico, which he thinks to be a god of corn, a war god. This remarkable effigy, dug up a hundred years ago in the plaza of Mexico, is the only one preserved of those idols, which were seen by the early Spaniards in their places in the Aztec temples, and repeatedly described by these contemporaries of their worship. Mr. Bandelier has gathered and collated all these descriptions in order to discover which most nearly corresponds with the unsightly conglomeration represented in this carven stone. If Mr. Payne had done the same thing, he might have found that the war god, Huitzilopochtli, answered best to the requirements.

Something, perhaps, even more determinate than either Mr. Payne or the 'sapient antiquaries' of this day can venture upon may be in store for us when Mrs. Nuttal gives us—in the near future, let us hope—the combined Mexican and Spanish texts, much extended over the ordinary printed text found in the Sahagun manuscript, which the present writer examined not long ago in the Laurentian library at Florence. Mr. Payne divines there must be somewhere such a Mexican text, from allusions found in the printed Spanish. Perhaps he may in due time profit by it.

JUSTIN WINSOR.

England unter den Tudors. Erster Band: *König Heinrich VII.* Von Dr. WILHELM BUSCH, a. o. Professor an der Universität Leipzig. (Stuttgart: Verlag der J. C. Cotta'schen Buchhandlung-Nachfolger. 1892.)

THIS is a first volume of what promises to be a very important work; and if Englishmen really care much about their own history, it ought certainly to be translated into English. For, besides other merits of no mean order, this particular volume deals with the story of that reign about which a studious foreigner can tell us most. Letters of Henry VII and other contemporary documents of no small value to English history still sleep

undisturbed in the archives of Dresden, Vienna, Innsbrück, and other continental towns, or, if unearthed piecemeal and utilised by foreign students, appear in publications little known in this country, and possibly not to be found even in the British Museum library. How many English students are well acquainted with Ulmann's history of the Emperor Maximilian, or have sought for lights on English history in Chmel's 'Urkunden'? Who among us has worked out the commercial history of England from the ponderous tomes of the 'Hanserecesse,' or who knows what Schanz and Schäfer have to say about the commercial policy of this country under Henry VII? Yet all these sources contain matter of importance for the history of Henry's reign. Ulmann, for instance, tells us from the Vienna archives that Perkin Warbeck at the court of Maximilian offered to prove before Henry VII himself (as soon as he should have an opportunity) that he was the true duke of York by three marks upon his person (*trois enseignes naturelz qu'il a sur le corps*), which those who knew him in his early years could vouch for. Such testimony, it is true, is not very valuable to accredit the adventurer's pretensions, but the fact that he gave it is interesting. Again, from the archives of Innsbrück, Ulmann tells us that the Statthalter and regents of Tyrol, when asked to contribute to an invasion of England in Warbeck's behalf, politely informed the emperor that people had been putting nonsense into his head, for the thing had been imagined with very small foundation (*mit kleinem grundt eingebildet*). Such crumbs of information are delightful, though they produce an appetite for more. They are far more satisfactory than the regular 'history' of historians.

There is surely a good deal yet to be made out about Perkin Warbeck from foreign archives. There is no longer, indeed, much mystery about his career, or even about the causes which induced particular sovereigns to encourage his pretensions. New incidents however are not unlikely to be disclosed as time goes on. Dr. Busch, following Ulmann and other authorities, is able to tell a little more of his adventures than is known as yet to English readers. It seems that he did not stay in Flanders during the whole two years between his dismissal from France, and his luckless attempt at Deal. He was introduced by Albert, duke of Saxony, to Maximilian at Vienna in 1493. So his travels had a wider range than has hitherto been suspected.

I ought, however, before going further, to say something of the plan of this work. Dr. Busch informs us in his preface that he proposes to write a history of the age of the Tudors down to the death of Elizabeth, and that the work will be comprised in six volumes, of which two are to be devoted to the absolutism established by Henry VII and more completely developed by Cardinal Wolsey. As regards the reign of Henry VII his first intention was, he tells us, to treat of it merely as an introduction to the rest of the work. The three great subjects which it will be his chief aim to trace are, first the development of absolutism; second, the schism and the ecclesiastical struggle arising out of this absolutism; and third, 'the completion of the whole work of the century in the age of Elizabeth.' With so great a project in view no wonder that he should have desired to treat the reign of the first Tudor in a mere introductory sketch; but on

further examination he became so conscious of its fundamental importance in connexion with the subsequent history, that nothing but a full investigation of the period in all its different aspects would suffice.

The result is, beyond all question, by far the most satisfactory account of Henry's reign that has yet appeared. Even as regards the political history of the time no English writer has yet utilised as Dr. Busch has done the copious stores of information made accessible of late years by the Rolls publications. But the political history of the reign has not engrossed his attention to the exclusion of its legal, constitutional, and commercial aspects; on all of which, especially the commercial, many neglected facts are here brought into view. Finally, we are indebted to him for a very admirable dissertation on the original sources from which our knowledge of the history is derived.

As regards the political history of the reign it is not needful that I should say very much here. Professor Busch's treatment of the subject agrees pretty well in its general outline with my own, though it is much fuller, especially in the part relating to Edmund de la Pole, earl of Suffolk, and contains some corrections of value in matters of detail. Professor Busch thinks that I have materially over-estimated the success of Henry in his early game of diplomacy with Ferdinand and Isabella. I retain, however, my own view on this subject. It is quite true, I admit, that the clause in the treaty of Medina del Campo (28 March 1489) relating to the English truce with France was expressly for the protection of Spain, not of England—to prevent Henry calling on Ferdinand and Isabella to make war on France while he himself merely stood on the defensive;—but it is no less clearly laid down that if war had not actually broken out already (that is, on the day the treaty was made) between England and France, either Henry or Ferdinand should be free at the expiration of the Anglo-French truce to make a new truce with France, including the other in it, so that Henry was by no means bound simply to make war at Ferdinand's bidding, as Ferdinand certainly had intended he should be.

I must also hold to my own view of the supplementary treaty which Henry drew up afterwards, when he ratified the treaty of Medina del Campo to make it correspond with his treaty with Maximilian. As this was Henry's own device (which Ferdinand, in fact, did not accept), it would be strange indeed if he had therein allowed Spain to retain the undue advantage aimed at in the former treaty; and the tenor of the new one shows clearly that he did not. By this France was to satisfy the demands *both* of England and of Spain before a separate treaty could be made by either power; and thus the danger was avoided of England being left in the lurch when Spain had got all she wanted. Dr. Busch seems to think that the words corresponding to 'both' in the original (*tam . . . quam*) are due to mere looseness of expression, and that the true force of the treaty is seen in what he calls its preamble (*im Eingangs-Artikel*) where the old injustice remains, allowing the Spaniards to make a separate truce on the recovery of Roussillon and Cerdaigne, while the English were to fight it out till they got Normandy and Gascony back. But this so-called preamble is simply a recitation of the terms of the former treaty which the new one was intended to supersede; and Dr. Busch's criticism here falls to the ground. In another place Professor Busch has curiously misread a

sentence of mine and expressed a difference on a point on which we seem to be perfectly at one. The sentence in question occurs in my preface to the first volume of the 'Letters and Papers of Richard III and Henry VII,' p. xlvii, where after mentioning the capture of Edmund de la Pole, who claimed to be duke of Suffolk, by the duke of Gueldres, I have said: 'Among his [*i.e.* De la Pole's] papers is a draft agreement in the hand of Killingworth [his steward], by which the duke consents to set him at liberty on payment of 2,000 florins for the expenses he had incurred in Gueldres. It is evident this proposition was made, not by the duke but to him, and represents the terms that De la Pole was willing to submit to.' Professor Busch dissents from the expression 'not by the duke but to him,' thinking the duke I mean to be Edmund de la Pole, who was not really duke at all but only earl of Suffolk. This is an unusual slip on the part of a very acute critic—the more singular as I have never called Edmund de la Pole duke of Suffolk; and even if there had been two dukes in the case I should have thought it plain that I was referring to Gueldres.

A subject of special interest in this reign, owing to the discussion about it at the time of Henry VIII's divorce from Katharine of Arragon, is the brief sent to Spain for that marriage, in advance of the proper bull of dispensation, for the satisfaction of Isabella of Castile who was then upon her deathbed. This brief has a curious history of its own, which it is Dr. Busch's merit to have set forth accurately in detail for the first time. For reasons which may be matter of speculation, Julius II, though petitioned both by the English and the Spanish ambassadors on the subject from his accession, put off granting any dispensation for a considerable time. At last he granted the Spaniards a brief which was to be followed by a proper bull of dispensation in corresponding terms. This brief, which was antedated 26 Dec. 1503, was sent on by Ferdinand to England, greatly to the Pope's disgust, who maintained that he had only granted it on condition of its being kept strictly secret. His holiness, however, found himself committed both to Spain and to England, and he afterwards sent the bull, antedated likewise with the same date as the brief. Some irregularities certainly occurred, and the brief was not entered on the papal register. The correspondence, moreover, between the two documents was not absolute, but the introduction of the word *forsan* in the bull is fully accounted for by the Spanish correspondence. The bull remained in England as the instrument by which the marriage was sanctioned, and the brief having served its purpose was left in the custody of the Spanish ambassador De Puebla. Its existence had been altogether forgotten when four-and-twenty years later the divorce question came before the legatine court in England, and Henry VIII and his agents were seriously disquieted to learn that the bull, whose validity they questioned, was not the only obstacle to their purpose; for the brief, which was less ambiguous than the bull, was found in Spain in the possession of De Puebla's sons.

I have bestowed so much space on the political history, that I fear I must leave some other great subjects in the book unnoticed. But I must not conclude without calling special attention to what is not only its highest merit, but really the chief object of the work. Accus-

tomed as I am to find the real history of the English constitution imperfectly apprehended and seriously misunderstood among ourselves, I confess I was hardly prepared to find the essential truth of the matter so thoroughly grasped by a foreigner. It is here more than anywhere that Professor Busch exhibits the qualities of a true historian, whose view is by no means limited to a single period, any more than to a single aspect of the history of that period. He has certainly not followed the teaching of ordinary text-books as to the progress of the constitution in pre-Tudor times; and I think he understands the secret of its working better than most of our native writers.

'Full of contradiction as it sounds at first,' he writes, 'the great epochs of the monarchy brought with them the principal epochs of development for the constitution, above all for the House of Commons. The old opponent of royalty became also its most dangerous antagonist, the mighty nobility. Only when royalty prevailed in its great strife with the aristocracy, did the commons step forward, and knew then how to use the impecuniosity of the kings for the increase of their own power. But so soon as the nobility of a weak monarch got the mastery, the commons became dumb, as for the most part in the momentous crises of the War of the Roses. When the conquering party called a parliament, the upper house, with the peers assembled at the time, represented that party merely, but the commons always bent before the storm; the lower house, even by its composition subject to the strongest influences, obeyed almost every order, acknowledged every conqueror as king, attainted every vanquished foe, and reversed just as readily every previous attainder, as the party in power demanded.'

The real hope of the nation for the restoration of order out of chaos, rested accordingly not in the lords nor in the commons, but in the monarchy itself; and if Edward IV had really been, as he is represented nowadays, the founder of a 'new monarchy' more vigorous than that of days gone by, he would have done much to satisfy general expectation. For that was precisely what the times demanded. But in spite of Green and of Hallam also, Edward was not the man to build up such an edifice. How could a 'new monarchy' have been established by one who was never firmly seated on his throne till after ten years of strife, and who did not succeed in leaving an undisputed succession to his children? The strong hand and firm monarchical rule so much desired by the nation at large for the restoration of order were not seen in the days of the house of York: they were the special notes of the reign of the first Tudor.

JAMES GAIRDNER.

Acts of the Privy Council. New Series, Vol. III., 1550–1552; Vol. IV., 1552–1554. Edited by J. R. DASENT. (London: H.M. Stationery Office. 1891, 1892.)

THESE two volumes give the Acts of the Privy Council during the last four years of Edward VI and the first two of Mary. They are edited by Mr. Dasent with the same care and ability as the former volumes, and in that respect are worthy of commendation. They pass through some of the most momentous years of the English reformation; and

although the most important entries that they contain have been already extracted by antiquarians and historians, it is no small pleasure and advantage to have them printed in full, and so to gain a consecutive view of the proceedings of the governing body during a memorable period.

In the long prefaces which accompany these volumes the same diligence is exhibited; and we ought to be grateful for the anxious care that would assist us in studying their miscellaneous contents. But it must be said that these prefaces are not of high value as contributions to history. Perhaps it is a mistake to write long historical introductions to such books: perhaps editorial excellence does not insure the qualities of an historian. I am unwilling to find fault, especially as I treated critically the prefaces of the former volumes of this valuable series; but there are the same defects as before; the same air of surprise about well-known events, the same weak expressions—'it appears,' 'it should be remembered,' 'it must not be forgotten,' 'must have been,' and so on—and the same way of speaking as if the entries in the council book were the only record in existence of the matters to which they refer. Thus: 'we see from a later entry that he endeavoured to set up at Glastonbury a colony of worsted makers, similar to that already in existence near Norwich.' Surely Somerset's Glastonbury colony with Pullain, their pastor, is pretty well known in history. The beginning of the vestiary controversy—a very serious event, of course—with Hooper's scruples, is given thus: 'The case of Hooper, the bishop of Gloucester, was very different' from that of Heath and Day, 'as he apparently was merely unable to satisfy his conscience as to the order of consecration and the robes which he was required to wear at the ceremony.' The laborious lists of members of the council at different dates, to show the successive changes, are not very needful. Much of the work of these prefaces is really done by the careful indexes.

These volumes are a storehouse to which the student may go with his particular points; that is the use of them; it would be to no purpose to attempt to display their contents at large. Perhaps one or two matters may be noticed. The calamitous inquiry into church goods, which swept the churches so ruthlessly near the end of the reign of Edward, is mentioned in the curious sort of way above described: 'An inventory appears to have been taken of all remaining church plate and bells:' and the reference given is to 29 Jan. 1552, where it is said that letters were ordered to be sent into every shire to deliver to commissioners the inventories that had been already delivered to the shires by other commissioners. This is a reference to what was done in the middle of the inquiry, not a reference to the beginning; but I rather think that this has escaped the notice of writers, so it was well to give it. But reference would have been more properly made to the entry under 4 March of the previous year, when commissioners were first ordered into all the shires, because the king wanted 'a mass of money.' This marks the beginning of the devastation. In the latter of these two volumes Mr. Dasent prints '*all tried*' where the sense requires *altered*, in an important entry, 20 Nov. 1552, about the forty-two articles, the Edwardian articles of religion. The council returned them to Cranmer, who had

already examined them, that he might consider some fresh alterations made by the king's chaplains and others; the articles had been, they said, 'in some part altered,' so they sent them back to him.

R. W. Dixon.

Maximilians II. Wahl zum römischen Könige, 1562, mit besonderer Berücksichtigung der Politik Kursachsens. Von Dr. Walter Goetz. (Würzburg: Becker. 1891.)

The contents of this monograph consist mainly of the negotiations between the emperor Ferdinand and the electors during the years 1561–2, which led to the unanimous election of Maximilian as king of the Romans on 24 Nov. 1562. The introductory sections deal with the hostility of the young Maximilian to the emperor Charles and Philip, with his attempts to gain touch with the protestant party, and with the failure of his schemes to secure his election as king of the Romans upon his father's succession to the empire. Between the years 1558 and 1561 the question seems to have dropped out of sight.

The author's *motif* is to suggest that the halting, compromising character of Maximilian's reign was due to the contradictory pledges given to the catholic and protestant parties as the price of his election as king of the Romans. The evidence, however, which is presented hardly bears out this suggestion as far as the protestant electors are concerned, for there is little connexion between the final negotiations and what may be termed the protestant phase of Maximilian's career. There is no doubt, indeed, that the ecclesiastical electors demanded and received guarantees that Maximilian would remain true to the catholic traditions of the Habsburgs. Upon this point the emperor had fully satisfied himself before he broached the subject of his son's election, and the same conviction induced Albert of Bavaria and Philip of Spain to give Maximilian their warm support. Even the curia facilitated an election made without its formal assent, and while Ferdinand himself was as yet uncrowned.

It does not, however, seem so certain that the electors of Saxony and Brandenburg were convinced of Maximilian's future conversion to protestantism, or that they demanded or received any pledges to that effect, or that they would have withheld their votes had they foreseen the character of his future reign. The elector palatine voted, as the author shows, under compulsion. Opposed as he was by tradition to the continuance of the empire in the house of Habsburg, the motives of his opposition were mainly religious. Christopher of Würtemberg and Philip of Hesse had failed to persuade him that Maximilian's election would not be a check to the development of his creed. A belief in Maximilian's protestant tendencies undoubtedly existed among the junior members of the houses of Wettin and Hohenzollern, such as John George of Saxony and the enthusiastic but unpractical margrave John of Brandenburg-Küstrin. But it is hardly probable that such cautious diplomatists as the electors Augustus and Joachim pinned their faith on the protestantism of a prince who found support with their ecclesiastical colleagues, with Albert of Bavaria and Philip II, and who had satisfied the doubts of his own zealous catholic father.

There was, indeed, as Dr. Goetz fully shows, no other practical alter-

native. All parties seemed agreed that a disputed succession on Ferdinand's death would be the signal for the outbreak of religious war; the ecclesiastical electors feared that without Ferdinand's support they would be left at the mercy of the protestant princes, while the latter dreaded foreign interference. Other candidates there were none. Antony of Navarre and Frederick II of Denmark were hardly worthy of serious consideration. The curious negotiations of the French agent, the Rhinegrave John Philip, with the latter were directed rather to his marriage with Mary Stuart than to his election as king of the Romans, and at all events the queen mother offered no opposition to Maximilian. The natural head of an anti-Habsburg catholic party, Albert of Bavaria, was Maximilian's brother-in-law and devoted friend. Augustus of Saxony, the leader of German protestantism, refused to be a candidate. The continued possession of the electorate by the Albertine line of Wettin depended upon the solidity of the Austro-Saxon alliance, and Augustus was pressing for yet further territorial favours. Joachim of Brandenburg was only too ready to adopt a policy which was acceptable at once to Wettin and to Habsburg. It is very doubtful if the electors of Saxony and Brandenburg had any desire for a protestant emperor, for the maintenance of the religious compromise in Germany and avoidance of European complications were the leading principles of their policy. We cannot quite agree with Dr. Goetz as to the merits of the elector palatine's somewhat factious opposition, excellent as were its motives. The policy of Ferdinand and Maximilian, Augustus and Joachim was justified by more than half a century of almost profound peace, and its final disturbance was due in no small measure to the logical consequences of the elector palatine's views. E. ARMSTRONG.

Engeland en de Nederlanden in de eerste Jaren van Elizabeth's Regeering, 1558–1567. Door H. BRUGMANS. (Groningen: J. H. Huber. 1892.)

AT the time of the accession of Elizabeth to the English throne the various provinces which formed what was called the Netherlands, or Low Countries, had been united under various titles, for considerably more than a century, under the sway of the house of Burgundy. During the whole of this period it had been the policy of the princes of that house to maintain friendly relations with England, at first as being their natural ally against France, and later because of the close commercial intercourse which sprang up between their Flemish subjects and the neighbouring island kingdom. These friendly relations found expression in 1496 in the treaty of commerce known as the *Magnus Intercursus*, which was in its main provisions as near an approach to free trade as was possible in the days of the Tudors. It allowed to merchants and traders of both countries free entrance into the dominions of their respective sovereigns for the purpose of buying and selling; no port dues were to be charged except such as had been in force for fifty years; fishery was to be free in all waters; no hindrances were placed in the way of fishermen in foreign harbours; strict injunctions were laid down against piracy and private reprisals, and precautions taken for insuring the safety on the high seas and in harbour of ships, crews, and cargoes, as well as of merchants on shore. During the sixty years which had elapsed from the time when the *Intercursus*

Magnus came into force until the abdication of Charles V the treaty had been maintained and had worked smoothly and well. The account of the disturbing forces, which to a great extent marred this good accord during the next decade, is to be found in the volume under review. The period (1558–1567) which Dr. Brugmans has selected for the subject of a monograph on the relations between England and the Netherlands is that in which Margaret of Parma governed the Low Countries, as the representative of her brother Philip II, her regency almost coinciding with the first seven years of Elizabeth's reign. This collocation of names is of itself sufficient to suggest that causes were likely to arise which might imperil, if not put an end to, the hitherto amicable relations of England and the Netherlands. The people of the two countries were indeed bound together as closely as ever by the ties of mutual interest, and, after the loss of Calais, Antwerp had become even more essential than before to English merchants as their staple port on the continent. But, unfortunately for the Netherland provinces, their new sovereign had little affection for them, and from the first regarded them as mere appendages to Spain. The union was in every way an unnatural one. Peace with England was for the Netherlands a vital question, for Spain an impossibility; and this despite the efforts of both the sovereigns. Through all the tortuous windings of their policy one purpose may be discerned, which gives the clue to what otherwise would appear a mere intricate maze of contradictions, indecisions, and subterfuges, the desire of both Philip and Elizabeth alike to maintain the peace, or at least to avoid an open breach of it as long as possible. But circumstances were too strong for them. The growing commercial enterprise and adventurous spirit of the English people were stirred to fever heat by the hope of sharing in the spoils of the New World, and it was the fierce determination of her bold mariners to rob the Spaniard of his monopoly of the Indies, far more than religious antipathy, which was gradually to force the hand of the reluctant Elizabeth, and eventually to drive Philip to embark his fortunes upon the Invincible Armada.

The years with which the narrative of Dr. Brugmans deals cannot be compared with those that follow in interest. They are the somewhat tame prelude to the eighty years' war. The mission of D'Assonleville and the subsequent conferences at Bruges would be more important in the eyes of the historian had they taken place at a different time. But having, as they had, practically no influence on subsequent events, a brief reference to them must suffice. The grievances and injuries suffered by Flemish merchants, as subjects of the king of Spain, at the hands of the English sea-rovers in the first years of Elizabeth's reign aroused in the Low Countries no small feeling of resentment. The result was a temporary suspension of the *Intercursus*. Finding that, despite frequent complaints, no redress could be obtained from the English government, Margaret of Parma at the end of 1563 issued a proclamation forbidding the importation into the Netherlands of manufactures from England. This, as might be expected, led to reprisals, and in the following March (Mr. Froude[1] says May) an edict declared the English ports closed to the Flemings. Such a state of things being found unendurable by both peoples alike, after many delays and much diplo-

[1] *History of England*, vol. viii. p. 42,

matic skirmishing a conference between three delegates from each government was at length arranged to meet at Bruges in 1565 (24 March), free commercial relations being meanwhile restored. The object and interest of England,[2] as Dr. Brugmans points out, was not to come to any decision on the controverted question, but to prolong the negotiations as long as possible and thus maintain the *status quo*. In attaining this result the English delegates were entirely successful. After many meetings and long fencing without any definite issue being arrived at, the conference was, at the end of September, prorogued until the following spring. In 1566, however, the aspect of affairs in the Netherlands had changed. It was the year of the famous compromise, and the Spanish government found its attention diverted to much more serious and pressing difficulties. The conference met indeed on 1 May, but only to arrange a settlement on the English terms. The hands of the regent were tied, and the interests of the Flemings were sacrificed to the exigencies of the Spanish government. Such at least is the conclusion of Dr. Brugmans, and no doubt *à priori* it is a just one. But those who know what was to be the terrible sequel to the events of that year 1566 cannot but regard the decisions of the conference as a matter of infinitesimal importance. When one thinks of the utter havoc and desolation which were impending over that fair province of Flanders and its world-famous port, it seems scarcely worth while to discuss whether the arrangements which were to regulate their traffic with England were more or less favourable. Two decades of horror and bloodshed were to pass over them, and then we find that Holland has taken the place of Flanders as the commercial rival of England, and that Amsterdam is already rising to mercantile supremacy on the ruins of Antwerp. Indirectly there is much in Dr. Brugmans's work which is suggestive and valuable, especially in the side lights which it throws upon Elizabeth's character and in drawing attention to the important part played by such men as Thomas Gresham, Richard Clough, Grobbendonck, John Fitzwilliams, and others in acting as financial or political agents of the English government.

GEORGE EDMUNDSON.

Documents concernant les Relations entre le Duc d'Anjou et les Pays-Bas. Vols. II. and III. (Sept. 1578-Jan. 1581). Publiés par P. L. MULLER et A. DIEGERICK. *Werken van het Historisch Genootschap, gevestigd te Utrecht.* Nieuwe Serie, No. 55, 57. ('s Gravenhage: Nijhoff. 1891.)

THESE two volumes should be read together, for the documents thus grouped bring into relief the causes of the duke of Anjou's alternate failure and success in his negotiations with the states-general. Invited by the leading nobility of Hainault, he was, on his appearance in 1578, by no means a generally welcome guest. Yet it was essential that the states-general, after the defeat of Gembloux, should come to terms with the French prince. On the one hand it seemed not unlikely that he

[2] All the documents and correspondence relating to the conferences at Bruges are to be found in vol. iv. of the very valuable *Relations Politiques des Pays-Bas et de l'Angleterre sous le Règne de Philippe II publiés par le baron Kervyn de Lettenhove* (for the Belgian government).

might pose as the leader of Walloon catholicism and disavow the pacification of Ghent, or even associate himself with Don John or his successor, Alexander of Parma. On the other hand, William of Orange and the moderates, who wished the religious factor as far as possible eliminated, saw in Anjou a useful counterpoise to the influence of John Casimir, who was supported by English subsidies and rested on the fanatical sectarianism of the Ghentish democracy.

Nevertheless Anjou's position was farcical. He entered into a formal treaty with the states-general and received the title of protector of Belgic liberty; but the towns of the very province which invited him refused to admit his troops, and the states-general took no pains to enforce the treaty obligations; still less would they give the duke the command of their forces. Anjou's funds were exhausted within a few days; his mercenaries deserted either to the Calvinist camp of John Casimir or to the catholic levies of the malcontents. His campaign, if it were a campaign, ended with the treacherous but ludicrous attempt on Mons, and his relations with the states-general, if end they did, concluded with his withdrawal into France.

Anjou's intention, however, was merely *reculer pour mieux sauter*. At the end of six months his position was very different; he was now no longer the wooer, but the wooed. He was offered not a shadowy protectorate, but the sovereignty of the Netherlands, restricted though it was by every conceivable constitutional guarantee. The obvious reason for the change was the failure of the emperor's mediation at Cologne, the last serious attempt to arrive at a *modus vivendi* between Philip and his subjects. Yet it was early foreseen that the conference must end in failure, and the negotiations with Anjou were pushed almost to a conclusion before the certainty of failure was publicly admitted. The documents show that the causes of the change must be sought elsewhere. Alexander of Parma was an antagonist of very different calibre from Don John of Austria. His capture of Maestricht contributed largely both to the failure of the conference of Cologne and the success of the negotiations with Anjou. It cut the natural line of communication with Germany, and forced the states-general to choose between France and England. More decisive still was the development of antagonism to the states-general in the southern provinces. Anjou had been obviously unable, the states-general apparently unwilling, to check the gross breaches of the pacification by the ultra-Calvinists of Ghent. The catholics were forced to resort to Spanish protection. Montigni, the head of the malcontent Walloon nobility, was brought into touch with La Motte, who had already reconciled his adherents in Artois with Spain. The national catholics of the Walloon provinces necessarily followed the lead of the Hainault malcontents. The union of Arras was professedly but a league within the general association of the provinces, but it contained in reality the germ of modern Belgium, and this the foresight of William of Orange recognised. His attempt to effect a reconciliation by the treaty of Commines was nullified by the violence of the men of Ghent, and the treaty of St. Eloi between Philip and the provinces of Artois and Hainault, and the towns of Valenciennes, Douai, and Orchies converted recrimination and retaliation into open war. The capture of La Noue, the one capable officer whom

the states-general possessed, rendered foreign aid the more essential, and indeed determined the departure of the embassy to France. Yet thi would have been of little avail had not the prince of Orange succeeded in gaining the upper hand at Ghent and in expelling the extremists. Flanders, which had been foremost in resisting Anjou on his first appearance, was now the first province to welcome him, while Holland and Zealand were induced to acquiesce on the understanding that his sovereignty should compromise neither their religious nor political *status quo*. The resistance of the less important northern provinces was practically overlooked, while the prophetic suspicion of the town of Antwerp was temporarily lulled.

The acceptance of Anjou had thus become both possible and necessary, but he must pay his price. The French prince on this occasion must be no private adventurer; he must guarantee the support, or at least the neutrality, of England, and above all he must pledge the crown of France to give substantial aid. Anjou's arrival was to be the realisation of William's dreams, the signal for a war not religious, but political and European, the pledge of an alliance with the natural catholic supporter of protestant resistance to the Hapsburgs. This alone could reunite the disunited provinces of the Netherlands. War must be waged against Spain not only in the Netherlands but in Italy, Portugal, and the Indies. The most conclusive proof of the gravity of the situation is the fact that John of Nassau, above all things anti-catholic and Teutonic in sympathies, was converted to the necessity of the French alliance, notwithstanding his clear insight into Anjou's character. Nor did William himself cherish any illusions on this head, though the documents now printed seem to prove that St. Aldegonde was genuinely captivated by the French prince's powers of personal fascination. This fact was of no inconsiderable weight in Netherland history. Posterity has difficulty in according due importance to the influence of personal attraction unaccompanied by character or capacity; yet this is an element to be constantly weighed in the history of the later members of the house of Valois. St. Aldegonde had the peculiar weakness and strength of great orators and pamphleteers, facility of impression and faculty of expression. That Anjou was greeted for a moment as the messiah of the Low Countries was due to the sentiment and the pen of Marnix.

Such are the general lines which receive proof or illustration from the documents now presented. The sources are so various that it is impossible to review them in detail. The numerous letters of Anjou's envoy, Des Pruneaux, are, however, of quite peculiar value. At once candid and modest, persevering and despondent, he illustrates to the fullest extent the shortcomings of the revolt in the Netherlands and of the aid proffered by his master. It may be added that the editors' notes are of great value to the student of Netherland history, and their digression on the development of the malcontents into a Spanish party needs no apology, this being at once a most difficult episode, and closely connected with the first and second expeditions of the duke of Anjou.

The editors warn their readers that they must exercise patience in awaiting a further and probably yet more interesting instalment of these documents.

E. ARMSTRONG.

Sir Philip Sidney. (Heroes of the Nations.) By H. R. Fox Bourne. (London: G. P. Putnam's Sons. 1891.)

It is unfortunate that the conditions of the series in which he writes have made it impossible for Mr. Fox Bourne to embody in his new life of Sidney all the scholarly apparatus of his earlier 'Memoir.' Had he done so, he would have produced as good a biography as we need look for. As it is, students will have to pass from the new matter and mature judgments of the second work to the documents and references of the first. Otherwise we may cordially recommend this study of Sidney, treated as 'the type of English chivalry in the Elizabethan age.' The book gives us a portrait at once lifelike and harmonious, and the reserve and commonsense of Mr. Bourne's style is a notable rarity where a spirit of undue adulation has been often the fashion. The narrative is interesting throughout, and the illustrations, specially those of houses, are good. Mr. Fox Bourne has made diligent use of recently calendared manuscript collections, and has supplied a considerable number of new facts, dates, corrections, and details of all kinds; and for all such additions references are duly given. Among these are two sinecures held by Sidney; the lay rectorship of a parish in Flintshire and the stewardship to the bishopric of Winchester, which helped to eke out his slender income. Mr. Fox Bourne calls attention in his preface to an interesting, and we think a very just, change of view with regard to Sidney's attachment to Lady Rich, and the songs and sonnets to which it gave occasion. He 'repudiates' the adverse judgments passed in his earlier volume upon poems and poet alike. But in treating the whole episode as unimportant, and the sonnets as scarcely more than literary exercises describing fanciful incidents in exaggerated language and without 'any serious intent,' he appears to err almost equally in another direction. The arguments here arrayed against the autobiographical value of the sonnets are carefully stated and well urged; but they are opposed by some excellent critics, and will fail, we think, to convince most readers of 'Astrophel and Stella.' Nor can we find in the series of poems the hints of Lady Rich's guilt which Mr. Fox Bourne considers 'would certainly have provided' her husband with the means of obtaining a divorce had they been taken seriously by Sidney's contemporaries. The poems may be held to be themselves the best witness to Stella's character in the early years of her marriage. Indeed, throughout the course of that unfortunate union, public opinion seems to have been always on her side—so much so indeed, that, in granting the divorce in 1605, it is recorded that the archbishop 'chid my Lord Rich very much and gave my lady great commendation.' With regard to another point of more directly historical interest, we cannot but regret that so clearsighted an inquirer as Mr. Fox Bourne has not carefully examined the mysterious allusions in Languet's correspondence, 1577–1578, which seem to point to a proposed marriage between Sidney and a princess of one of the protestant houses on the Rhine. Mr. Bourne refers to the matter, but offers us no satisfactory solution. Yet the passages in Languet's letters, when read consecutively, are full of suggestions, and seem to tell a sufficiently intelligible story.

Rachael Poole.

Les Églises du Refuge en Angleterre. Par le Baron F. DE SCHICKLER. 3 vols. (Paris: Fischbacher. 1892.)

THIS work represents the first portion of what we hope will be a complete history of the foreign Refugee churches in this country. Ever since the cessation of the labours of the Parker Society a mass of material has been and is still accumulating on a subject that sheds a most powerful side-light on our own church history in the sixteenth and seventeenth centuries; and of this material the above work represents the first attempt at a synthesis in a manner at once broad and exhaustive.

We do not suppose the work is intended to stand finally in its present form. The second volume stops short at the Revocation, the third volume being devoted entirely to *pièces justificatives*. Further it is not a history of the Refugee churches, nor yet of the Huguenot churches. It is an account of the *French-speaking* Refugee churches in this country. This voluntary limitation of the subject is important, and it must be confessed somewhat arbitrary. In many, or most, cases these French-speaking churches are of Walloon origin, deriving their existence from an emigration of Low Country refugees mostly Flemish, partly Walloon, at first worshipping together and ruled by one consistory; and when a separate church system was erected as a convenience to the French-speaking element, an integral bond of union was preserved between the two organisations. This was the case *e.g.* at Sandwich, Norwich, and most conspicuously of all at London where the Coetus, the monthly meeting of the united Flemish and French consistories, survived throughout. In comparison with such churches, Walloon by derivation and intimately related to the accompanying Dutch church, those settlements such as Canterbury, Rye, &c., which were purely French and Huguenot in origin, are small. It is no contradiction of this integral mutual bond that the two churches or tongues subsequently formed separate colloques. The formation of the Flemish colloque dates from 1575, that of the French was six years later in origin. A clear idea of the nature of the tie uniting the latter churches is afforded by the records of the meetings published by the Huguenot Society. The looseness of the lower organisation readily explains why for long it proceeded no higher. But integrally and theoretically the idea of a higher unity than the colloque and embracing all the Refugee churches of both languages was never lost sight of. A feeble attempt at it was made in 1571; four years later, when the Flemish colloque was established, the Walloon churches were accorded the right of sending deputies; in 1604 a synod of both languages was held, a second was called in 1634 in consequence of the proceedings of Laud, and the period of the civil wars saw an active resumption of the idea, not less than three synods being held between 1641 and 1647. And after the organisation fell to pieces, after the D'Assigny scandals, the next century witnessed an attempt at revival that bears a curious resemblance to the movement among the English Dissenters which gave rise to the 'United Brethren' in various counties.

In view of all this it would seem somewhat arbitrary to accept any classification of the subject based on mere similarity of language and to deal only with one church or tongue. The subject is capable of wider treat-

ment, and we venture to express the hope that Baron de Schickler will give us the completion of this fine work, not by adding a separate account of the Dutch refugee churches, but by combining the two.

None the less for the purposes of our religious history, and more particularly for the history of the beginnings of English Dissent, the present work forms the most important contribution to constructive sources that has appeared since the Zurich and Original Letters of the Parker Society. The light it throws on Elizabethan Puritanism in its second stage (to adopt the terminology) is not merely a side-light. It is direct and powerful. With Vestiarian Puritanism the refugee influence had —from the nature of the case—nothing to do. But for the Puritanism that contended for a new platform of church government it was most significant. These churches were invariably organised on a presbyterian system, the consistory administering the discipline with unshaken resolution ; and the question of the influence of such a phenomenon on the mind of Cartwright and Travers naturally recurs.

At the very last moment the actual case for a derivation or transmission of idea seems to break down. The architect of the system under which the first and pattern Refugee church—that at London—was organised was John Laski. In his model of discipline he left the election of ministers, elders, and deacons to the vote of the whole church. The point is fundamental, and one is extremely grateful for the elaborate examination of the various disciplines afforded in the text and supplementary volume of this work. It was only gradually under the subsequent revisions of the 'Discipline' by Des Gallars and La Fontaine that election or co-option by the consistory was substituted. How was it with our native evanescent sixteenth-century presbyterianism? In mere matter of theory the point which the Refugee churches reached in 1580 had been reached in France, at the national synod at Nismes eight years before—and earlier still—and had been embodied in the Rochelle edition of our own 'Disciplina Sacra' in so many words : *est autem electio via idonei ad munus aliquod ecclesiasticum in ecclesia gerendum per senatum reliqua tota ecclesia approbante designatio*—one of the few instances in which the 'Disciplina Sacra' is more explicit than the *written* declarations of either Cartwright or Calvin—though not more explicit than the Genevan practice. This futile Cartwright movement was certainly and solely from Geneva, and in so far it is not correct to assert as has been done quite recently that Laski is the originator of presbyterianism in this country and that we inherit it from the Refugee church of the days of Edward VI.

In other directions the influence of these Refugee churches diminishes in extent on careful appreciation. The government both of Elizabeth and James was most intolerant of any interference on the part of the Refugee establishments in the parochial organisation—of any harbouring of discontented Puritans or schismatics, and there are scarcely any direct vouchable instances of importance of any such fostering and influencing. To what an extent English Puritanism ran its own course in the earlier period has only recently and very strikingly been revealed in the discovery of the probably unique records of a presbyterian organisation in the eastern

counties, especially Essex during the years 1586–90. At the very time when the Refugee churches were united among themselves by the bond of their yearly colloques, and to the continent by, at any rate, the invitations to attend the general synods of France and the Low Countries, the English ministers who affected presbytery were meeting in secret, at no fixed centre of resort, with no formal delegations from parishes, and most of all, without the assistance of any lay elder element.

So much by way of contrast. None the less to the future historian of English Dissent it will be quite impossible to pass by the phenomenon of this pure instance of presbyterian organisation as manifested in the Refugee churches, and just in proportion as the subject would lie outside our insular view and research, in that proportion is our indebtedness to this valuable work. French and other archives have been laid under contribution, and a first-hand light is thrown on many points bearing on the history of doctrine as well as of discipline. As is well known, the beginnings of English Unitarianism are traceable to the French and Dutch churches of London. For our conceptions of this we have hitherto been reduced (ultimately) to Strype and the Parker Society volumes. In the present work we have a circumstantial account of the transactions of the consistory with Hambstede, Cassiodor di Reyna, Corranus, and Acontius—transactions of first interest and drawn direct from the records of the consistory.

For the seventeenth century the history of these churches up to the Revocation is not so suggestively instructive as for the days of Elizabeth. They were dependent on royal favour too much to take any stand and have any influence on the doctrinal controversy of James's reign, or in the reconstruction of the national church during the revolution under Charles. The ecclesiastical debates of the Long Parliament during the years 1641–3, and the debates of the Westminster assembly itself yield no trace of any *constructive* reference to the Refugee churches. Indeed, the years which witnessed the erection of an English presbyterian system, witnessed also the yearly complete internal disruption of organisation of the Huguenot churches. 'The standard of the best reformed churches,' so insisted on by parliament and assembly alike, was tacitly, but by perfect consent, limited to the church of Scotland and the Low Countries, with a more secondary reference to France. The evidence of this negation is simply the whole historical material of the period—it stands out *e.g.* in Baillie's letters, an authority to which Baron de Schickler does not refer.

Through most of the second volume of the work there is a noticeable, if pardonable, want of intimate touch with our history. One could read it without suspecting the author's acquaintance with Mr. Gardiner's works. The judgment passed upon Laud reads more like one of the seventeenth century than of our own days; and here and there occur slips which cannot possibly be due to the printer. Such is the reference to the Westminster assembly (i. 118, *note*), to Doctors' Commons, as at Westminster (ii. 45), and the note—a perfect chaos—on p. 135, vol. ii., on the two parliamentary committees for scandalous and plundered ministers. For his account of the proceedings of the latter, Baron de Schickler refers only to printed broadsheets, possibly not being aware that the original records of its resolutions are preserved in bewildering abundance.

In the same way the account of the disturbances in the Canterbury Norwich, and London churches during 1646 would have been much more clearly detailed by minutest reference to the Lords and Commons' Journals.

For the earlier period of the subject, a reference might be made to the 'second part of a register' among the Morriss MSS. at the Doctor Williams library, (which contains more than one paper relating to the French church), and also possibly to the Archbishop Marsh's library, Dublin. Most of the Huguenot documents possessed by that library were returned to the Rochelle church in 1862, but there still remain two large volumes of MSS. relating to French protestantism in the seventeenth century. For the later period, which we still expect at the hands of Baron de Schickler, there is a collection of material comprised in vols. ccliv.-cclxiv. of the Archbishop Wake MSS. at Christ Church, Oxford, material of which Mr. R. L. Poole made such excellent use in his 'Huguenots of the Dispersion.'

But these are incidental adjecta; as a work, Baron de Schickler's is most painstaking and authentic in reference to sources, and is one which we accept with unmixed gratitude as at the hands of a continental writer, who, by his position and equipment, can throw on the subject a less insular, more European light than an English writer perhaps could or would be willing to do. W. A. Shaw.

Pombal, sein Charakter und seine Politik, nach den Berichten der kaiserlichen Gesandten im geheimen Staatsarchiv in Wien. Ein Beitrag zur Geschichte des Absolutismus. Von Bernhard Duhr, S. J. (Freiburg im Breisgau: Herder'sche Verlagshandlung. 1891.)

This little book is an excellent example of the way in which history should not be written. The author has set himself to blacken the character of Pombal, as the arch-opponent of the Jesuits, on the ground that the ordinary estimate of his achievements by native and foreign historians is too favourable. For this purpose he has collected voluminous extracts from the reports of Austrian ambassadors and agents at Lisbon during the reign of Joseph I of Portugal. These extracts he has grouped, with his own comments, under different headings, such as economic measures, the army, the suppression of civil liberty, ecclesiastical policy, &c. Whenever he finds a sentence more than usually condemnatory of the omnipotent minister, he has it printed in larger type.

It is hardly necessary to point out that such a method is not likely to convince anybody who was not convinced beforehand. It is true, as the author says, that Austria had no direct quarrel with Portugal. But from 1756 Austria was the ally of France, and from 1761 France and Spain were closely united by the family compact. To this combination of France and Spain Pombal was resolutely opposed, and was thus forced to follow the traditional policy of a close alliance with England. It is true that foreign politics are carefully excluded from consideration in the book before us, and that Portugal was not a very important factor in European relations. But such considerations must have influenced both the Austrian envoys and the Court of Vienna, which was not likely to

look with favour upon a minister whose attitude was directly hostile to the allies of Austria, and whose economic measures were dictated by jealousy of foreign trade.

Moreover the reports of ambassadors, even when they are quite impartial, are not an absolutely trustworthy authority for a country's history. Their sources of information are always limited and often tainted. When there is no great crisis in which their own government is involved, they are not scrupulous about retailing any gossip that may please or amuse the court. They think more of filling their budget with news than of guaranteeing the accuracy of their intelligence.

Even without allowing for these considerations, the author's researches will not very greatly modify the traditional estimate of Pombal. It needed no researches into the archives of Vienna to prove that Pombal was as absolute as a minister can be, and that he, and not Joseph I, was responsible for the acts of the reign. Nor did we need any new authority to prove that his measures were arbitrary, even when his aims were good; that he used extreme severity towards nobles and Jesuits, that he gagged the press, coerced the courts of justice, and resorted to arbitrary imprisonments. The great rulers of the eighteenth century, of whom Pombal is a very good example, have not usually been regarded as champions of individual liberty or as advocates of constitutional checks upon despotism. Nor will any one be surprised to hear that Pombal's policy of protection, which he carried further than any of his contemporaries, was not attended with unmixed success; that the native manufactures which he fostered perished when his support was withdrawn; that his exclusive companies, from which Portugal had hitherto been exceptionally free, were harmful to trade; or that the people murmured and even revolted against the sudden raising of prices. The great point at issue is whether Pombal did or did not succeed in galvanising Portugal into new life; whether the country was or was not more prosperous at home and more respected abroad under Joseph I than in the reigns of his predecessor and successor. To this query the Austrian envoys give no negative answer, and if they did, it would be impossible to set their evidence against the decisive agreement of Portuguese tradition and the bulk of foreign observation. That Pombal's reforms were shortlived and often mistaken or inefficient, that his methods were not such as would commend themselves to modern statesmen, is no more than can be urged against most of the would-be reformers of his time. To raise Portugal permanently from the stagnation into which it had fallen by the time of John V was beyond the powers of a single man and a single generation. And few statesmen have ever had to witness such a complete and sudden reversal of their policy as took place when Pombal fell on the death of Joseph I. The most serious accusation against him, that he utilised the revenue of the state to enrich himself and his relations, is suggested rather than formally advanced. It rests upon little more than the use of the word 'avarice' in the ambassador's despatches, and the fact that the minister's military and other reforms exhausted the treasury without diminishing his private wealth. No charge, under an absolute government, is so easy to make and so difficult to refute as that of peculation.

It must not be supposed that this book is absolutely valueless because

some of its intended conclusions seem to be unfounded. The letters of the Austrian envoys contain much valuable information about the domestic history of Portugal, and any student of this period will find it worth his while to read them. But the service to historical study would have been much greater if the despatches had been printed in full, instead of in short extracts isolated from their context and interpreted to suit the author's avowed objects. And even these extracts might have been printed more carefully. The author does not profess to have reproduced them with literal accuracy, and he might have modernised them with advantage. Moreover the style of most of the writers, especially the Ritter von Lebzeltern, who is most frequently quoted, is in itself sufficiently cumbrous and involved. There seems no good reason to worry the reader further with the study of his mis-spellings. R. LODGE.

A Half Century of Conflict. By FRANCIS PARKMAN. (London: Macmillan & Co. 1892.)

MR. PARKMAN'S present work covers the dealings between the English and French colonists from 1700 to the opening of the war which led to the conquest of Canada. It thus fills a gap between his earlier works, 'Count Frontenac' and 'Montcalm and Wolfe.' Thus, as the author tells us in his preface, 'the series now forms a continuous history of the efforts of France to occupy and control this continent.'

In some respects this volume is, almost inevitably, inferior in interest to its predecessors. There is no central figure of commanding proportions such as Frontenac, or as either of the protagonists from whom Mr. Parkman's last volume took its title.

Shirley, the lawyer, whose governorship of Massachusetts transformed him so strangely into a soldier, is already a familiar figure in Mr. Parkman's pages. Indeed, it is one of the drawbacks of Mr. Parkman's method of dealing with his subject by way of monographs, instead of one continuous historical narrative, that he almost of necessity goes over the same ground twice. Thus Shirley and Sir William Johnson, whose careers begin in the present volumes, have been already introduced to us in an earlier book. So, too, the social condition of the Acadians, and their relations to the French and English governments respectively, have to be in a measure retold.

Perhaps the most interesting and conspicuous figure in the present volumes is the Jesuit Sebastian Ralè. He was a typical specimen of the French missionary whose main function was to organise the Indians into the devoted and unscrupulous allies of France. Under his influence the evil passions of the savages were not extirpated or transformed, but transferred to other objects and utilised. His so-called mission station at Norridgewock was in reality a military outpost on the New England frontier, an ἐπιτειχισμός. Ralè lived as a French patriot and died like a hero shot down while defending his station against an irregular force of New Englanders; but he had nothing in him of the spirit of Lallemand or Brébœuf, and has no claim to share in their glory. His real merits are well summed up by Mr. Parkman (i. 239-40):—

'The news of the fate of the Jesuit and his mission spread joy among

the border settlers, who saw in it the end of their troubles. In their eyes, Ralè was an incendiary, setting on a horde of bloody savages to pillage and murder. While they thought him a devil, he passed in Canada for a martyred saint. He was neither the one nor the other, but a man with the qualities and faults of a man—fearless, resolute, enduring; boastful, sarcastic, often bitter and irritating; a vehement partisan; apt to see things, not as they were, but as he wished them to be; given to inaccuracy and exaggeration, yet no doubt sincere in opinions and genuine in zeal; hating the English more than he loved the Indians; calling himself their friend, yet using them as instruments of worldly policy, to their danger and final ruin. In considering the ascription of martyrdom, it is to be remembered that he did not die because he was an apostle of the faith, but because he was the active agent of the Canadian government.

'There is reason to believe that he sometimes exercised a humanising influence over his flock. The war, which he helped to kindle, was marked by fewer barbarities—fewer tortures, mutilations of the dead, and butcheries of women and infants—than either of the preceding wars.

Mr. Parkman clearly brings out in these volumes the difficulties which beset the French colonists in their dealings with the Indians and which finally contributed so largely to the downfall of New France. All that the English settlements needed from the Indians was neutrality. Agriculture, fishing, the supply of timber and ship stores made New England independent of the Indian fur trade. Let her have but peace, and her regular extension westward would follow of necessity. Thus the mutual hostility of the Indian tribes did not directly concern the New Englanders. New York was less fortunately placed. She depended largely on the fur trade, and therefore on the goodwill of the Iroquois through whom that fur trade was carried on; yet even so New York had to deal with one stable confederacy, possessing something like a settled and uniform policy and strong enough to be in a measure independent of the alliance of their civilised neighbours. The Iroquois might want occasional help; they did not, like the Indian allies of the French, need almost continuous protection. The widely different state of things on the French frontier is well described by Mr. Parkman (i. 265-6):—

'These vast western regions, now swarming with laborious millions, were then scantily peopled by savage hordes, whose increase was stopped by incessant mutual slaughter. This wild population had various centres or rallying points usually about the French forts, which protected them from enemies and supplied their wants. Thus the Pottawattamies, Ottawas, and Hurons were gathered about Detroit, and the Illinois about Fort St. Louis, on the river Illinois, where Henri de Tonty and his old comrade, La Forest, with fifteen or twenty Frenchmen, held a nominal monopoly of the neighbouring fur trade. Another focus of Indian population was near the Green Bay of Lake Michigan, and on Fox River, which enters it. Here were grouped the Sacs, Winnebagoes, and Menomonies, with the Outagamies, or Foxes, a formidable tribe, the source of endless trouble to the French. The constant aim of the Canadian authorities was to keep these western savages at peace among themselves, while preventing their establishing relations of trade with the Five Nations, and carrying their furs to them in exchange for English

goods. The position was delicate, for while a close understanding between the western tribes and the Five Nations would be injurious to French interests, a quarrel would be still more so, since the French would then be found to side with their western allies, and so be drawn into hostilities with the Iroquois confederacy, which of all things they most wished to avoid. Peace and friendship among the western tribes, peace without friendship between these tribes and the Five Nations, thus became maxims of French policy; the Canadian governor called the western Indians his "children," and a family quarrel among them would have been unfortunate, since the loving father must needs have become involved in it, to the detriment of his trading interests.'

At a later stage of his work Mr. Parkman shows how the aggressive vigour of the Outagamies against the allies of France embarrassed the Canadian government.

The policy thus forced upon France required two conditions for success. It could only be carried out by a succession of governors gifted with exceptional military and diplomatic ability, and supported, constantly and liberally, from the resources of the mother country. France, as she was in the latter days of Lewis XIV, could not fulfil either of these conditions. Canada offered little in the way of glory or pleasure to make amends for banishment. The system of dual government, which made the governor and the intendant a check each upon the other, fettered independent action, and was intolerable to men of energy and ambition. Moreover France, brought to bankruptcy by the lavish domestic expenditure and the aggressive ambition of Lewis, was in no case to supply the needs of what was a military outpost rather than a self-supporting colony.

The chief events described in these volumes are Sir Hovenden Walker's unsuccessful expedition against Quebec in 1711, and the capture of Louisburg by the New England militia, supported by a royal fleet, in 1745. Neither event could be said to have much direct influence on the future of Canada and the English colonies. The English failure did but grant a respite to Canada. One may doubt whether the continued possession of Louisburg would have done much to save the colonial empire of France. But indirectly each event had most important effects on the relations between the British government and the colonies. The blundering and timidity which brought the fleet under Hill and Walker to misfortune might well fill the minds of the colonists with distrust and contempt of English administration and soldiership.

Equally might the capture of Louisburg inspire New England with somewhat exaggerated confidence, and with a belief that no wide gap, if indeed any, separated the powers of her own militia from those of a trained soldiery. There is assuredly no patriotic self-deception in Mr. Parkman's account of the motives and feelings with which the men of New England went into the contest. 'Those whose hopes were highest based them on a belief in the special and direct interposition of Providence; others were sanguine through ignorance and provincial self-conceit.' In various ways, no doubt, the stars fought for Shirley and Pepperell; failure would have justified the censure, half accepted by Mr. Parkman, of 'a mad scheme.' It was fortunate for the colonists that the

English naval commander, Warren, had colonial connexions and sympathies; fortunate too, that he had enough self-reliance to interpret Newcastle's characteristically vague despatch as an order to support Pepperell. The lack of ammunition which crippled the efforts of the French garrison, and the extraordinary supineness of the French military authorities in not sending a relieving force against the besiegers, were factors in the question which could hardly have been anticipated. Yet, after all these deductions, the exploit was one which might justly fill the colonists with self-reliant pride. The assembly of Massachusetts deliberately undertook the task after full and protracted debates. They risked the issue of fifty thousand pounds in paper money, without any certainty that the mother country would indemnify them. Pepperell, then commander, was a typical specimen of the versatile, enterprising, resolute New Englander. The officers were chosen, according to the old practice of Massachusetts, by those whom they were to command. New England, too, had no partner in the glory of the success. All the southern colonies, even Rhode Island, whose experiences in privateering and piracy might have made her a useful ally, stood aloof. New Hampshire, more exposed than any of the colonies to French aggression, joined her forces, as did Connecticut, wisely unmindful of neglect in past days, when she was menaced by the Pequods and the Dutch. Thus the expedition was something like an informal revival of the old New England confederacy.

The difficulties which beset the New England army were identical with those which at a later day made themselves felt in the War of Independence. When actually in the field Pepperell's troops were brave to recklessness. But they were impatient of drill and of regular operations, eager to have done and to be disbanded. The commissariat was miserable; tents, clothes, and (worst of all) shoes ran short: almost every complaint which we read in Washington's despatches had its counterpart; it is not over-praising Pepperell to say that the difficulties were met in the same spirit. The New Englander showed not, indeed, the same daring and comprehensive energy, but the same practical common-sense conciliatory moderation, as the Virginian.

No reader of Mr. Parkman's work who is familiar with the early days of New England can fail to be struck with the change which had come within two generations. Some of what we may almost call the accidental qualities of Puritanism, its frugality, its definiteness of purpose, survived. The old spiritual earnestness, with its intense and merciless concentration, that religious Spartanism, as we may call it, which dominated men like Endicott and Johnson, has vanished. Such a one as Sewall seems to stand alone in his rather formal and unintelligent Puritanism, the dignified relic of an almost forgotten past. Yet such an episode as the capture of Louisburg shows that much of the old spirit was there, clothed in different forms and applied to changed purposes.

One feature is forcibly brought home to the reader in this as in Mr. Parkman's other works—the need for some effective union between the colonies and at the same time the hopelessness of any attempt to bring it about. Thus we are told (i. 143) how the schemes of Nicholson—a man to whose capacity, underrated by many writers, Mr. Parkman does

full justice—for combined action against Canada were brought to nought by the refusal of Virginia to co-operate.

'Each colony,' says Mr. Parkman (ii. 64), 'lived a life of its own, shut within its own limits, not dreaming of a future collective greatness to which the possession of the west would be a necessary condition. No conscious community of aims and interests held them together, nor was there any authority capable of uniting their forces and turning them to a common object. Some of the servants of the crown had urged the necessity of joining them all under a strong central government, as the only means of making them loyal subjects and arresting the encroachments of France; but the scheme was plainly impracticable. Each province remained in jealous isolation, busied with its own work, growing in strength, in the capacity of self-rule and the spirit of independence, and stubbornly resisting all exercise of authority from without.'

It may well be that the scheme of union was, as Mr. Parkman says, 'impracticable.' In any case the inability of England to solve it was the main cause to which she owed the loss of her American colonies.

JOHN A. DOYLE.

Hastings and the Rohilla War. By Sir JOHN STRACHEY, G.C.S.I. (Oxford: Clarendon Press. 1892.)

In dealing with the character of Hastings Sir J. Strachey limits himself to a single charge, which he investigates with extreme minuteness. A complete rehearing of his whole case would be a colossal achievement, little likely, however well executed, to command the sustained attention which it would deserve. The cause of truth and justice may, however, be promoted by a more limited undertaking.

The charge against Hastings in relation to the Rohilla war illustrates the tactics of his assailants in a different way from that followed by Sir James Stephen in his invaluable work on the Nancomar charge. It was not a plausible surmise, but a circumstantial story, based on facts. The facts, however, have been so much misinterpreted, so many important circumstances have been suppressed, and direct falsification or rhetorical colouring has been so freely employed, that the horrific tale retains a very faint resemblance to the real incidents; Hastings's motives and conduct are perverted and obscured; and a questionable act of political precaution is the groundwork of a charge of appalling inhumanity. Though in the impeachment the charge, after the previous vote of the commons, was not directly pressed, Mill has reproduced, and taken great pains to confirm it, and Macaulay has given a characteristically embellished version of it. Sir John Strachey's volume is devoted to an elaborate dissection and refutation of what may be called the Rohilla legend.

The original materials, indispensable for the full elucidation of the subject, are extremely abundant. The system of 'paper government' involved a formidable multiplication of documents in India; and besides the official correspondence of the governor and council, and their subordinates, military and civil, and minutes of evidence taken in consequence of Colonel Champion's allegations against the nawab-vizier, and similar

matter, the voluminous *written* discussions in the council, especially after the hostile majority had made the Rohilla war a burning question, preluded a searching parliamentary inquiry, which resulted in the issue of Blue-books, whose importance is rivalled by their bulk. Hastings had the pen of a ready writer; and besides arguing his case frequently in the council chamber, and in despatches to the directors, he produced a long parliamentary defence. He also left many private papers connected with the subject, and often referred to it in his personal correspondence. All these sources of information have been diligently ransacked, and laid under contribution; and the documents, quoted at great length, have been so judiciously arranged, that accusers, accused, and witnesses having their alternate say without stint, the inquiry reads much like an actual trial, and the reader is able to form an independent judgment on the merits of the case as disclosed by the evidence. Occasional illustrations are derived from native sources, the biographies of Hafiz Rahmat by his son and grandson, and the curious contemporary history the 'Sair-ul-mutakherin.' And much more important testimony, quite irreconcileable with the view of Hastings's opponents, is borne by Hamilton, in his history of the Rohillas. The first part of this work is based on a native, probably a Hindoo, manuscript; the latter is Hamilton's own account of the war, in which he served. He writes not as a partisan, but in the interest of historical truth.

Macaulay, to Hastings's great disadvantage, represents the Rohilla war as an isolated enterprise, in which the English governor, for mere lucre's sake, became the accomplice of Shuja in a gratuitous crime. That, on the contrary, it arose out of our political relations, and the chaotic condition of native India at the time, and was strongly recommended by the danger to our ally and to ourselves involved in the independence of the Rohillas, and that the conquest of their country was a most desirable measure of political precaution, was consistently maintained by Hastings. The earlier part of the present volume, in an historical retrospect, makes these points very evident. Whether on these accounts, and from the provocation given by the Rohillas to the nawab, Hastings was morally justified in assisting him, as Sir John Strachey considers, may be doubtful. But it is not doubtful that to represent Hastings as a mere sordid trafficker in human blood is a monstrous calumny. The author has next examined very carefully the assumption that Hastings agreed to the wholesale massacre of the Rohillas. He did agree to their 'extermination.' But what did that mean? The author has not only taken the rather superfluous trouble of proving that the ambiguous word does not necessarily mean more than expulsion, citing its employment in this sense by such a purist as the late Professor Freeman; but he has obtained the high authority of Dr. C. Rieu for asserting that the Persian word used by the nawab was similarly capable of being interpreted in the milder sense. Nor is this all. He has found and printed a paper written by the Persian interpreter to the Bengal government, who translated the nawab's letters, and who says: 'I certainly never understood the Persian word in the sense which has been affixed to it in the charge; and with regard to the English word into which I rendered it, I might have been justified by the authority of Dr. Johnson, who explains it in one sense "to remove."

At any rate I certainly understood the word in this sense, and so applied it, viz. the total abolition of the power of the Rohillas, and their expulsion from the borders of the country—*extra terminos*' (p. 81).

How completely the conduct and results of the war corresponded to the design not of destroying, but of conquering the Rohillas, and banishing as many of them as was necessary to prevent the revival of their independent power, is next convincingly proved by a great variety of evidence, mostly that of English officers engaged in the operations. Again, that Hastings was not indifferent to the sufferings of the vanquished, and that he took proper steps to mitigate the horrors of war and restrain the abuse of victory, is proved by his instructions to his agents, and by their reports to himself of the execution of his orders. That the country, so far from being reduced to a lonely desert, continued to be peopled by the great majority of its inhabitants, and that industry, interrupted on the small area of the war, was quickly resumed, is also thoroughly established by the testimony of British officers who took part in it, and passed through the land after it was over. Thus the accumulated horrors of the tale turn out to be factitious: Hastings ceases to be a mystery of iniquity; and the Rohilla question mainly resolves itself into a nice point of political casuistry—how far, under the circumstances, Hastings was justified in taking part in the war.

Such is the general scope of the inquiry. The outline of the story, thus corrected, is as follows.

The Mahrattas, in the decline of the Mogul empire, to which they had greatly contributed, were formidable to all India, and cherished schemes of general conquest. Though they were overthrown with enormous slaughter, by the Abdali, in the Paniput campaign, their power and aspirations revived; their periodical incursions into Hindostan were renewed; they lured the titular emperor from his seclusion, under British protection; reinstated him under their precarious patronage at Delhi, and induced him to cede to them the Lower Doab, which the English had granted to him; and they made no secret of their intention of conquering Oude. Clive had considered a 'buffer state,' in close and, to a certain extent, dependent alliance with the company, so essential to the security of our north-west frontier, that after the decisive defeat of the nawab of Oude and the emperor at Buxar, he re-established the former in his dominions, except the Lower Doab, which he assigned to the latter. And a subsidiary treaty was concluded with the nawab, which provided for the occasional employment of British troops in his defence, at a stipulated price. Hastings took the same view, and was confirmed in it by the renewed progress and menacing attitude of the Mahrattas. Accordingly he did not allow the emperor's cession to them to take effect, but restored the districts comprised in it to the nawab—'for a consideration.' This transaction Sir John Strachey vindicates from the severe censures which it has incurred. Oude proper was protected from invasion on the north by the Himalayas, on the south by the unfordable Ganges, and eastwards by the proximity of the English. But no natural barrier fenced it off on the west from Katehr, or Rohilkhand, as it has been since called, the country within the angle formed by the mighty mountain chain and the sacred river after it enters the plain.

And in this quarter the Ganges, during many months, is not unfordable. Hence, unless its banks and the country between them and Oude were efficiently secured, the Mahrattas might find easy access into the heart of our ally's kingdom. This circumstance was the primary and predominant incentive to Hastings's Rohilla policy. The obligation of defending Oude, and thereby providing for the tranquillity and prosperity, if not the safety, of our own territory, involved the necessity of safe-guarding the road-way to Shuja's exposed flank. The large majority of the population of Katehr were not Rohillas, but peaceable and industrious Hindoos. But the dominant class was a military colony of Afghans, otherwise generically called Rohillas, or highlanders, who have given its new name to the country. The characteristics of this race are now too notorious to require description; and it may be enough to say that, though some of their leaders were men of a certain amount of cultivation, they were, as a body, fierce, turbulent, treacherous, and unstable as water. Though they confined their activity to military pursuits, their internal feuds and want of public spirit, and their comparatively small numbers, exposed them to the attacks of their formidable neighbours. Hence they were ill adapted to play the part of wardens of the threatened marches, and to arrest the Mahratta advance. But moreover, though they had befriended Shuja-ud-Dowla in his adversity, and in turn had applied to him for assistance in their own trouble, they were, not without reason, suspicious of his designs upon them, probably jealous of his connexion with the English, and being Sunnis, abhorred him as a Shia. Might they not, if threatened by the Mahrattas, speed the invaders on their way eastward? For the time, however, recent friendly relations, and the interest of both parties in escaping the ravages of the licentious freebooters, led the Rohillas to solicit, and Shuja to render, help in clearing the country of the common enemy. When the invasion was repeated, on a more formidable scale, the Rohillas renewed their demand for protection: the English commander-in-chief, Sir Robert Barker, thought the case so urgent that he took upon himself the responsibility of moving up troops to co-operate with the nawab's army; and gave his moral sanction and attestation to a formal treaty, in which the Rohillas agreed to pay forty lacs of rupees to Shuja for their deliverance from the Mahrattas—'by peace or war.' The British government did not approve of Sir R. Barker's ordering the troops to advance on his own authority; but it *did* approve the treaty. And, in accordance with it, steps were taken whereby the nawab, supported by a British force, fulfilled his contract. The Mahrattas, impressed by the military demonstration, sensible of the danger of their retreat being cut off by the swelling of the Ganges, and influenced by the state of their domestic politics, evacuated Rohilkhand. The allies had incurred considerable expense, but the Rohillas paid nothing. The invasion was repeated; and again the allies mobilised their forces, and promptly advanced to the rescue. But on this occasion Hafiz Rahmat, the leading man in the confederacy, played a very suspicious and, as not only the nawab but Sir R. Barker was convinced, a treacherous part. He showed a disposition to join the Mahrattas, negotiated with them, and was confidently asserted to have concluded a treaty with them, and paid five lacs, an instalment of fifty, which he had covenanted to pay

them. The rapidity of the march of the allied army disconcerted both him and the invaders; he had not time to effect his junction with them, and they were again driven across the Ganges; and Sir Robert, who would fain have pursued them, but was forbidden to do so, watched their motions from the opposite bank for some months, until they finally retired, and never re-entered Rohilkhand. Thus, at great expense, the stipulated service had been again rendered; but the Rohillas had still paid nothing, and had betrayed the common cause. When Shuja formally demanded the money they made light of the obligation, and on various pretexts evaded payment. Before their final refusal he had propounded to Sir R. Barker a scheme for the punishment of these ungrateful and slippery clients, by the conquest and annexation of their territory, and made lavish offers to obtain English co-operation in the enterprise. Hastings declined to commit himself, until it should be certain that the debt would not be discharged. But, as experience had proved that Clive's subsidiary treaty with the nawab was unsatisfactory, inasmuch as the cost of the employment of our troops in his service habitually far exceeded the sum which he had agreed to pay for it, he saw in this proposal a good opportunity for improving the terms of the contract, independently of any special recompense for the particular advantages which the acquisition of Rohilkhand would secure to our ally. Shuja, intent on his immediate object, agreed to the change; and, according to an estimate made by Sir R. Barker, the ordinary subsidy was largely increased. This rearrangement was certainly a reasonable one. On the other hand, Hastings promised British co-operation in the attack on the Rohillas. After what has been already said, it may be assumed that this contemplated not their massacre, but the complete destruction of their political power, and the banishment of a dangerous and hostile element of the population from what was to be thenceforth Shuja's territory. The political advantages of such a measure, which would give Oude, on its exposed side, a scientific frontier, and remove a constant source of anxiety and peril, could not but weigh strongly with a ruler profoundly impressed by the necessity of imposing an effectual barrier to the tide of Mahratta aggression. That the Rohillas had given strong provocation to our ally, and incidentally to the British government, by their signal and repeated violation of the treaty witnessed by our commander-in-chief, approved by our government, and faithfully acted upon by the allies, was undeniable. And Hastings held that this amounted to an adequate *casus belli*. That if such a war of conquest, and the expatriation of the conquered, were justifiable, we should not refuse our ally's offer to share the fruits of victory, and should receive money while he took all the territory, he thought reasonable, especially as we had been losers under the old subsidiary arrangement. But though, besides the expense of the armament, the company was to receive on this account forty lacs of rupees, and would, he argued, benefit permanently by the extended territory, and consequently increased resources, of our ally, he maintained that these were only 'collateral,' 'ancillary,' or secondary objects of his policy. This was certainly so far true, that the insecurity of the nawab's western frontier, and the danger of our being involved in direct war with the Mahrattas, had been his constant anxiety, and that he had long been impressed with the

necessity of improving the terms of Clive's subsidiary treaty. But the impoverished state of the company undoubtedly led him to attach much importance to these collateral objects, and to dwell on them the more emphatically in his despatches, in the hope of reconciling the commercial mind to a statesmanlike course which it might fail to appreciate on its own merits. He and his council had serious misgivings that the measure might be disapproved not as immoral, but as inexpedient, and contrary to the spirit of our connexion with the nawab. We had undertaken to defend him: and Hastings held that, under the circumstances, we could not effectually do so without conquering Rohilkhand. But the directors might take a more limited view, and regard the war in its more obvious aspect, as one of aggression, or at least of vengeance, and might consider the employment of their troops for such a purpose as an act of disobedience: or, again, they might fear, as Sir R. Barker did, that the acquisition of Rohilkhand might make our ally too strong. The prospect of a replenished treasury might go far to silence such objections. Hence Hastings insisted on this prospect in a manner which has given plausibility to the charge that he was actuated only by mercenary motives.

The command of the British contingent was entrusted to Colonel Champion, whose complaints of the nawab's cruelty, and Hastings's alleged insensibility to them, have deepened the tragic interest of the story, and confirmed the impression of the governor's inhumanity. But the colonel is not a trustworthy witness; and Hastings did not, as has been represented, turn a deaf ear to his remonstrances. Champion had other than philanthropic reasons for taking a severe view of the nawab's conduct. He was much irritated at his restricted powers, and at the deference which he was compelled to pay to Shuja's authority. He was, moreover, indignant that Shuja would not admit, nor Hastings sanction, a claim which he preferred on his own behalf and that of his troops to share freely the spoils of the conquered country. And he was thus predisposed to assume the truth of unauthenticated or exaggerated reports of the nawab's harshness. How Hastings acted on receipt of his complaints will appear as we proceed.

The Rohillas were decisively defeated in the first and only battle, though the campaign was prolonged by their retreat to the almost inaccessible borders of the Terai, their accustomed place of refuge when hard pressed by an enemy. The battle was well contested, and between two and three thousand Rohillas were slain, among them Hafiz Rahmat, the chief of the confederacy, but no other leading man. There was some desertion to the side of the assailants. The brunt of the battle fell upon the British troops; but the casualties in the nawab's army prove that Champion's account of their conduct is incorrect. And Shuja was certainly not, as he implies, a coward. The 'enormities' supposed to have been subsequently perpetrated are almost entirely fictitious. There was much plundering, and the war inevitably entailed a great deal of incidental suffering on the population. Many villages were at first destroyed, some by the Rohillas in the nawab's country. But in most cases they seem to have been previously abandoned by their inhabitants. There was no deliberate massacre either of Hindoos or Rohillas. There is no evidence that, except those who fell in the battle, any even of the latter

were put to death. Champion complained of the destruction of the villages, and the devastation of the country by the nawab's orders. Hastings emphatically reprobated the impolicy and the inhumanity of such a mode of warfare; and instructed Champion to convey his sentiments to the nawab, and use his utmost endeavours to prevent such excesses. That he extenuated them at the time by an *argumentum ad hominem* is simply untrue; though he did illustrate later, by an opportune quotation from Champion's report of his zealous exertions in the same line, in an earlier war, the inconsistency of the complainant, and the suspiciousness of his motives. Hafiz Rahmat had been left guardian to the sons of Ali Mohammad, the founder of the Rohilla supremacy in Katehr. But he had permanently supplanted them, and deprived them of most of their possessions. Faizullah Khan, the eldest son, now assumed the leadership of the refugees in the Terai, and the victors pursued them to their intrenched position. But further bloodshed was saved by an accommodation very favourable to the Rohillas. About 18,000 armed men were 'exterminated'—that is, sent across the Ganges to their countryman Zabita Khan, who gave them a hospitable reception. Five thousand more were allowed to remain under Faizullah, who was established in the dependent principality of Rampoor, which his descendants have since retained. Many of those who had been banished were afterwards allowed to return; and the nawab took some of them into his service. Others entered that of Faizullah. The Hindoos, after the first troubles in a comparatively small part of the country, experienced little more than a change of masters. The Rohillas who had not taken part in the war were not molested. Some of the chiefs were allowed to retain lands; others were pensioned by the nawab, including Hafiz' relatives. On the whole, the author says, 'it seems to me clear that Shuja-ud-daula would have been justified in saying that the campaign in Rohilkhand had been carried on with an absence of violence and bloodshed, and generally with a degree of humanity, altogether unusual in Indian warfare. Nor can I doubt that this result was mainly due to the remonstrances of Hastings' (p. 233).

Hastings's alleged apathy to Champion's appeal against the cruelties inflicted by Shuja upon the family of Hafiz Rahmat has also brought much undeserved odium upon him. The first allegation was general and vague—a tale of little meaning, though the words were strong—and coupled with a request that Hastings would take the unfortunate victims under his immediate protection. He at once strongly condemned such conduct, and ordered the colonel to furnish him with particulars, and in the interval to do all that he could by his personal influence, backed by the authority and declared principles and wishes of the British government, to prevent it. He further explained that to comply with the request would be unadvisable, because to assume the custody of the person of Hafiz Rahmat's heir would excite the suspicion that we meant to reserve a right to annex the country which he had ruled. He at first thought of addressing the nawab directly, but later referred the matter to the resident, Mr. Middleton. The following passage from his instructions to that gentleman speaks for itself: 'Tell him that the English manners are abhorrent of every species of inhumanity and oppression, and enjoin the gentlest treatment of a vanquished enemy. Require and entreat his

observance of this principle towards the family of Hafiz. Tell him my instructions to you; generally, but urgently, enforce the same maxims; and that no part of his conduct will operate so powerfully in winning the affections of the English as instances of benevolence and feeling for others. If these arguments do not prevail, you may inform him directly that you have my orders to insist upon a proper treatment of the family of Hafiz Rahmat, since in our alliance with him our national character is involved in every act which subjects his own to reproach; that I shall publicly exculpate the government from the imputation of assenting to such a procedure, and shall reserve it as an objection to any future engagements with him when the present service shall have been accomplished' (p. 194).

Champion, in his reply, appealing to common fame, evaded the order to furnish details of the cruelties to which he had referred: 'a relation of them would swell this letter to an immense size, and withal prove very disagreeable reading' (p. 195). But he forwarded three letters, one a threnody addressed to himself by the widow of the fallen chief, the others from his nephews, taxing Shuja with perfidy and oppression. These *ex parte* statements were sifted by Mr. Middleton and elucidated from other sources. The substratum of truth in the widow's declamatory epistle appears to be, that she and the rest of her family were, at first, reduced to utter poverty, led captive in the nawab's train, and, either by his orders or by the neglect of them, very insufficiently cared for on the way; and the ladies were deprived of their trinkets. Common fame supplemented these facts with much more thrilling incidents, which, though never proved, were too readily credited, and have since passed current on the same authority, and on the strength of Champion's insinuation of their credibility. Thus one lady was reported to have been violated by the nawab, and to have killed herself in consequence. But she turned out to be alive; and two of Champion's best officers gave excellent reasons for disbelieving the whole story. The alleged ill-treatment of Hafiz' nephews was met by a counter-charge of treachery on their part, which, if true, made their punishment comparatively light. Whatever the exact truth as to Shuja's conduct, Hastings seems to have shown no remissness in pleading the cause and enforcing the practice of humanity, as far as was compatible with Shuja's position as an ally, but not a subject, of the company.

SIDNEY JAMES OWEN.

Ein hannoversch-englischer Offizier vor hundert Jahren. Christian Friedrich Wilhelm Freiherr von Ompteda, Oberst und Brigadier in der Königlich Deutschen Legion. 26 November 1765 *bis* 18 *Juni*, 1815. Von LUDWIG Freiherr von OMPTEDA. (Leipzig: S. Hirzel. 1892.)

THIS singularly unpretentious book is full of interest from more points of view than can here be taken into account. I must pass over, to begin with, its significance as the personal history of a most delicately organised and sensitive mind, trained under what we are accustomed to think the enervating influences of an expansive sentimentalism for which our age retains scant sympathy. Baron Christian von Ompteda was not only a genuine child of the Werther period (indeed, the veritable Albert and Lotte

were among the friends of his youth), but at two distinct critical epochs of his career he had to pass through that valley of the shadow of death which is only known to melancholy natures such as his. Yet this man lived the most masculine of lives and died a hero's death; and in times which broke the spring of many a nature born to battle with adversity held out, almost without hope and almost it may be said without a country, by what he deemed to be a patriotic and righteous cause. If there was in him something of the tenacity of the Frisian race whence he sprang, his life exemplifies even more notably the potency of ideals over select and highly cultivated minds. He was worthy to be the friend of Scharnhorst, to whose biography and to that of Gneisenau the narrative of his life may be regarded as in a sense supplementary.

In the form in which his descendant has placed it before us, this narrative is largely based upon Christian von Ompteda's own diaries and letters. The former were kept by him as an officer first in the Hanoverian service and then in the 'King's German legion,' which during the twelve years of its existence numbered on its roll three other officers of his name and family, one of them his younger brother Ferdinand. All of these, like Christian von Ompteda himself, sealed their loyalty with their lives. His letters are chiefly addressed to his brother Lewis, who as a Hanoverian diplomatist played a very memorable part in some of the most complicated and obscure transactions of his times, and who deserves no mean place on the list of the 'conspirators' against Napoleon which is headed by the name of Stein. He rose to be the minister for Hanoverian affairs of William IV, and survived till 1854. The correspondence between the brothers was carried on for twenty-eight years, though often interrupted by the stress of the times or couched in apparently vague and general terms which did duty for a cipher.

Christian's campaigns as an officer in the electoral service began in 1793 in the Low Countries, where his eyes were tolerably open to the incapacity and jealousies which brought about results even more disgraceful than they were disastrous. His biographer has discovered, in time to print it as an appendix, a diary of the campaign of 1793, which includes an account of the battle of Famars, in its ambiguous issue not very unlike the battle of Hastenbeck. The physical and moral collapse of the British army and its German allies on their retreat across the German frontier early in 1795, which filled Scharnhorst with almost speechless indignation, and which an eye-witness of both afterwards compared to the French retreat of 1812, had a crushing effect upon the young officer, who was still suffering from the consequences of a severe wound. Before he next took the field, in order to undergo experiences even more deeply humiliating to his patriotism, much had happened in his unfortunate country. After the peace of Basel, Hanover had for a time enjoyed the illusory security of the North German neutrality of which Prussia had declared herself the protectress; and for five years—from 1796 to 1801—the 'combined Prussian-Hanoverian army of observation' had professed to stand on guard in the German North-West. Ompteda has some interesting notes dating from this period concerning the Prussian royal family, and more especially the celebrated Prince Louis Ferdinand, then in a long-enduring back wave of his career, in which the writer compares the Prince's 'alacrity in sinking' to Falstaff's.

In 1801 the 'honest' King Frederick William III (Ompteda amusingly says that he hates the epithet '*bieder*,' but that the king at bottom really deserved it) committed the most dishonest public act of his life by assenting to the Prussian occupation of Hanover. Two years more, and the unlucky electorate saw itself on the eve of paying the full price of the glorious acquisition by its dynasty of the British throne ; for Mortier with his *armée de Hanovre* stood on the frontier.

Ompteda's description both of the Prussian and of the French occupation of Hanover, and more especially his account of the shameful conventions of Sulingen and Artlenburg, which, taken together, by dissolving the Hanoverian army rendered the latter occupation an accomplished fact, are well worth study, both because of the many instructive details which they include, and because of his own view that the one and the other convention might alike have been avoided by ordinary care and courage. Certainly, his estimate of the spirit pervading the unfortunate Hanoverian army before its nominal extinction is borne out by the part played by it in the ensuing twelve years, after its revival in the shape of the German legion. I am unable to say whether the statistics given in this volume are those of Sichart and Beamish, but there is no reason to doubt their correctness ; while the crowning fact is hardly disputable that Waterloo was won by an army composed in nearly equal proportions of British and Hanoverian troops. Ere the day of the final victory dawned, Christian von Ompteda, who had taken service in the legion immediately on its formation, had undergone a strange variety of military experiences. They began in 1804 with camp-life in Sussex, where the natives, as he says, at first looked upon their sovereign's German defenders in something of the light of 'Cossacks.' But this state of things improved more rapidly than the condition of the camp ('the camp a swamp') ; and from first to last Ompteda is full of acknowledgments for the kindness shown to him in England. In 1805 he saw his native land once more ; but the expedition which was intended, in co-operation with the Russians, to accomplish great things came to an end with the news of Austerlitz. In the spring of the following year he found himself in the west of Ireland, and in the summer at Gibraltar, where he spent a dreary but from a military point of view not uninstructive twelvemonth. He was next present at the bombardment of Copenhagen and the capture of the Danish fleet ; but on his return was himself taken prisoner in consequence of a collision on the Dutch coast, and remained in captivity at Gorkum during several months. In 1808, after the battalion commanded by him had taken part in an abortive expedition to Gothenburg, the legion had the satisfaction of setting sail for the Peninsula with the rest of the forces commanded by Sir Arthur Wellesley.

Unhappily the mind of Christian von Ompteda, who had brought the seeds of a serious illness with him from the marshes of Gorkum, now became for the second time in his life completely unhinged, and he had to return to England. Here his condition was judged to be hopeless, unless the presence of his brother Lewis should exercise a salutary influence ; and by the kindness of the duke of Cambridge (as head of the legion) he was accordingly summoned. Lewis was at that time in Berlin, where, in the midst of the French occupation, patriotic officials were con-

emplating the possibility of a future treaty of peace between Prussia and Great Britain, and where Lewis was accordingly furnished by the minister Count Goltz with a secret commission. His narrative of his adventurous journey must be read in his own words. I have only room for an incident to which students of the history of the Great War and the Stock Exchange will not be at a loss to find a parallel; how at the special request of the captain of the packet which landed him at Aldborough he entered London *in a chaise-and-four with two post-boys*. His own political mission, however, proved abortive; and though King George III, making a touching use of his own experiences, advised him as to the treatment of his brother, he had the greatest difficulty in prevailing upon the sick man to accompany him on his return to Berlin. Here the sagacious kindness of Scharnhorst, to whose care Christian von Ompteda was confided, and who, in accordance with King George's advice, gradually accustomed him to literary occupations, effected a slow but certain cure.

That these literary occupations, on which I cannot further dwell, had not been such as to estrange Colonel von Ompteda's thoughts from the purpose of his life, may be guessed from the fact that when in the latter part of September his brother Lewis and Gneisenau had at Berlin come to an understanding concerning fresh proposals to be made to the British Government, he was chosen to carry them to England. Of the progress of this mission we are uninformed; not many months later Gneisenau, rather than submit to the new Franco-Prussian alliance against Russia, had himself taken refuge in England. The two friends were planning a tour in the north of this country, when Christian von Ompteda, who had quitted the service when his illness seemed hopeless, had the satisfaction of being appointed to the command of the first light battalion of the legion, and in January 1813 he sailed for Portugal.

Thus it was his fortune after all to take part in Wellington's march from the Duero, in the great day of Vittoria, and in the sieges of San Sebastian and Bayonne. His letters written in the course of the campaign of 1813–14 are full of interest, and (it may be noticed in passing) confirm in various particulars the accuracy of the notes concerning the latter part of this campaign to be found in the late Mr. Gleig's 'Subaltern.' *Inter alia*, the readers of that justly popular book will remember the generous tribute paid by the British officer to the superior condition of the horses of 'two regiments of heavy Germans,' and the 'Subaltern's' remark that 'an Englishman, greatly as he piques himself on his skill in farriery, never acquires that attachment for his horse which a German trooper experiences.' Ompteda says that the condition of the German cavalry excited universal astonishment among the English generals; 'the secret lay in the fact that the German troopers shared their own rations of bread with their beasts.'

The concluding chapter of this memoir can hardly fail to be read with both admiration and sympathy. When the Great War seemed over at last, and the legion was expecting its disbandment and revival as a Hanoverian army, it was once more reformed, with the addition of new Hanoverian troops, as a division of the *corps d'armée* commanded under Wellington by the prince of Orange. In this division, at the head of which was placed Baron Charles von Alten, Christian von Ompteda

received the command of a brigade. At Quatrebras it was detached by the duke from his main army in order to cut off a movement threatened by Ney; but two days later it was among those which bore the brunt of the battle. Military historians must dispassionately decide what degree of blame rests upon the prince of Orange (whose reputation ill bears such inquiries) for insisting personally at a critical moment upon the advance of Ompteda's brigade, which cost it more than two-thirds of its strength, together with its heroic commander.

Both the monument erected on the spot and that which adorns his native city place Christian von Ompteda's name foremost on the roll of the gallant men whom they commemorate. The story of such a death and such a life should help to keep alive the remembrance of the historical connexion between Great Britain and Hanover—a connexion of which the benefits were by no means all on the side of the lesser country.

A. W. Ward.

Historical Essays. Fourth Series. By Edward A. Freeman. (London and New York: Macmillan & Co. 1892.)

This collection of essays, like its predecessors, contains articles of varying degrees of interest, but the proportion of slight and comparatively unimportant work is considerably larger in this volume than in the other three. The late professor rarely wrote anything which did not bear the mark of his masculine and independent mind, but it does not follow that everything he wrote is worth preserving in a permanent form. The volume as a whole, ranging as it does from Carthage to Brazil, from Scipio and Caesar to Archbishop Parker and Dean Lowe, is a remarkable proof of the universality of his knowledge and of the practical turn which he gave to his doctrine of historical continuity. With all the force of genuine conviction and all the courage which untiring industry, a powerful memory, and wide interest could give him, he put into practice his theory that history should be studied and taught as a whole. It may probably be said, without much fear of contradiction, that no historian of the century, except Leopold von Ranke, has so clearly grasped or so consistently maintained this doctrine. But it is difficult for one who takes all history as his province to say things new and true about every part of so vast a subject. In his article on Portugal and Brazil in the present volume Mr. Freeman endeavours to forestall this objection. He protests, with much justice, against the doctrine that a professor 'is bound to utter something new every time he officially opens his mouth' (p. 201). Novelty is relative; what is no news to one is news to another, and a professor who should be afraid of saying to his class things that had been said before would probably be an unsuccessful professor. But what is worth saying in the professorial chair is not always worth publishing to the world, and this appears to apply to some of the articles in the present volume. The essays, for instance, entitled 'Historical Cycles' (No. x.), 'Augustan Ages' (No. xi.), and 'English Civil Wars' (No. xii.), are so slight in character that they enlarge the bulk without enhancing the value of the book. The note—for it is not much more—on the battle of Wakefield (No. xiii.) exposes some of the exaggerations of Hall,

but hardly throws any fresh light on the battle. It was scarcely worth while to devote eight pages, as the author does in the article on 'National Prosperity and the Reformation' (No. xiv.), to refuting the religious fanatics who would attribute all our later prosperity to the ecclesiastical revolution of the sixteenth century, or another eight pages to distinguishing (in No. xvii.) the two kinds of rottenness of 'Decayed Boroughs,' the rottenness which was *ab initio* and the rottenness which was due to lapse of time and changed conditions.

The group of essays (Nos. i.–vii.) with which the volume opens has more interest than the articles above mentioned, for it illustrates one of Mr. Freeman's strongest points, his power of connecting geography with history and of placing the story of a particular town or district in its proper relation with national life. If it is true, as he himself said once, that the late Mr. J. R. Green first taught him to feel the individuality, the continuous life of a town, he certainly showed himself a very apt pupil. He possessed a remarkable bump of locality, an eye which caught at once the important natural features, and a capacity for topographical description which would have made the fortune of a picturesque novelist. The articles on 'French and English Towns,' on Aix, Orange, Autun, Périgueux, and Cahors show these qualities at their best. Here too, in these old-world cities, the author's architectural learning stands him in good stead. The peculiarities of Burgundian art, the contrasts between Autun, Trier, and Ravenna, the defects of the triumphal arch, are handled with the free and skilful touch of one who combined the architectural scholar and the historian. But if these articles contain much that is serious and suggestive, they are not free from mannerism and even triviality. Mr. Freeman's allusiveness sometimes becomes exasperating; the reflections to which a famous site gives rise are often nothing more than sentiment; a mere coincidence is not unfrequently dwelt on as if it had all the importance of an historical connexion.

The article on 'Alter Orbis,' or, in other words, on the insularity of Britain (No. ix.), exemplifies another peculiarity of the author; one may call it his historical conservatism. Liberal as he was in some respects, his liberalism generally justified itself in his eyes because it was a return to a more ancient past. The house of lords should be reformed by restoring the non-hereditary character which marked the witenagemot from which it sprang. But if a proposal threatened to change the fundamental character of a thing or an institution, then, for Mr. Freeman, it stood condemned.

A good specimen of the professor in his lighter vein is the article on the 'Lords of Ardres' (No. vii.), based on the history of the counts of Guines, by Lambert of Ardres ('Monum. Germ. Hist.' tom. xxiv.) With characteristic conscientiousness Mr. Freeman apologises for not having visited the district he is writing about. The reader will for once, perhaps, be glad to be spared the otherwise inevitable topographical descriptions, and to be regaled instead with personal anecdote and incidents illustrative of medieval life. Here at least the author cannot be charged with lack of novelty, and the article, if not very profound, is decidedly entertaining. Coming across his old friend Charlemagne, Mr. Freeman cannot refrain from firing a passing shot. When the article was written, in 1880, he could 'hardly doubt that Karlmann, as well as Karl, was among the elements out

of which the mythical Charlemagne was put together.' In a later note (p. 165) he says: 'I have now very little doubt that Charlemagne is simply the French form of Karlmann—there are several intermediate stages—transferred from one brother to another, and influenced in its final spelling by the Latin form "Karolus Magnus."' The essays on Cardinal Pole and Archbishop Parker (Nos. xv. and xvi.) are reviews of two volumes of Dean Hook's Lives. The first is, to some extent, an apology for Pole. In spite of his share in the Marian persecution he 'was a man whose faults were, on the whole, decidedly outweighed by his virtues' (p. 297). For Parker Mr. Freeman has higher praise. He quarrels with Dr. Hook for his adoption of the title 'Anglo-catholics,' which 'in our eyes is even worse than Anglo-Saxons,' but he agrees with the biographer in his estimate of the founder of the Elizabethan church. One may note, by the way, that his occasional penchant for truisms perhaps never carried him further than when he wrote of Parker (p. 311): 'In no man's life is it more needful to remember . . . that men are not born at the time when their names first appear in history.' The article on the 'Case of the Deanery of Exeter, 1839–40' (No. xviii.), is an interesting contribution to ecclesiastical history, involving as it does a discussion on the rights of the crown to present to deaneries and the way in which these rights grew up. The article is based on Mr. R. Barnes's report of the case of Dean Lowe, who was elected dean in the teeth of Lord Melbourne and in spite of all the authority of the crown. The chapter had quietly surrendered their rights for two centuries and a half, but after their successful reassertion of them in this case it took an act of parliament to restore to the queen the prerogative which her predecessors had usurped.

The two following articles, on the 'Growth of Commonwealths' and the 'Constitution of the German Empire,' are not very important. The former is really an essay on the continuity of history, this time, however, with a practical turn. The political moral which Mr. Freeman deduces from a survey of the various ways in which commonwealths have grown is the not very novel one of 'more haste, less speed.' 'The object,' he says (p. 357), 'which I have now before me is to show, by the experience of history, that when any state does make a change in the form of its executive, whether it changes from a kingdom to a commonwealth or from a commonwealth to a kingdom, the way to make the change lasting is to change as little as possible.' This is a simple maxim of political philosophy which it hardly, perhaps, needed thirty pages to prove. The article on the German empire does not pretend to be a searching examination of the system established in 1871, but it points out clearly and forcibly some of the peculiarities which distinguish it from the other confederations. 'It is the first ascertained example of a form of government which has often been spoken of as possible, but which has hitherto existed in theory only. It is a confederation . . . yet its constitution is not republican, but monarchic. . . . For an union of princes really worthy to be called a federal system we shall look in vain in the pages of undisputed history' (pp. 389–90). But 'the really more important point is that the hereditary chief of the empire is also the hereditary chief of one of its states, and that incomparably its greatest state. . . . This is the real novelty' (p. 391). The position of Austria in the old German Bund was, he holds,

House of Lords' (Nos. xxi. and xxii.) In the essay on 'Nobility' Freeman begins by clearing up the common confusion between y, aristocracy, and peerage. 'Aristocracy,' he says (p. 399), 'implies istence of nobility, but nobility does not imply aristocracy; it may nder any form of government. The peerage, as it exists at present s country, is something which is altogether peculiar to the three h kingdoms, and which has nothing in the least degree like it here.' Mr. Freeman proceeds to distinguish the nobilities of Athens, , Rome, and Venice, all of them aristocratic commonwealths, and t out the difference between nobility in such states and nobility a monarchy, or rather between nobility concentrated in a town and y scattered over a country. He draws an ingenious parallel, ly not new, between coat armour and the *jus imaginum*. He ses the development of modern European nobility, its rise by e, its modification by conquest, its connexion with land. He says is this really so?—that the nobility of Russia and Poland was not way based on conquest, and remarks (p. 419) that 'things look n aristocracy arising gradually among a people of the same blood ore permanent and oppressive than one which began in conquest.' rticle, an interesting and suggestive one throughout, is a sort of le to the longer essay on the house of lords. The motive of this or rather the preoccupation in the mind of its author, is the attack the upper house. 'The house,' he says (p. 425), 'has been warmly ed and warmly defended. But it cannot be either reasonably ed or reasonably defended without knowing what it is; and this cially a case in which no one can really know what it is without ng how it came to be.' This accounts for the combination of y and politics of which the article consists. It is a good illustra- f the theory that history is past politics and politics present y. But, as is often the case with controversialists, Mr. Freeman ttle too apt to put doctrines into his enemies' mouths, which in no serious or decently instructed person maintains, in order to

theory at all about the matter. They attack the house of lords on the ground that an hereditary chamber has no place in a modern democracy; the question whether it was, or was not, always hereditary is a matter of no consequence. From a practical point of view, therefore, all this discussion about the history of the house of lords is merely beating the air. It is interesting as bringing out Mr. Freeman's own political principles, his limited—we may call it conservative—liberalism. 'We may say roughly,' he remarks, 'that most institutions need some change, but that most institutions have something in them which it is better not to change.' This something he proceeds to discover in the house of lords. The hereditary membership is the thing he would apparently reject, while he would revive the ancient principle of membership by summons or nomination. What is remarkable about his view is, first, that he condemns the hereditary principle, not because it is bad in itself, but because it is a comparatively modern usurpation; and secondly, that he regards it as unessential because it is not primitive, and *therefore* as not only easy but proper to reform. But it is obvious that, though originally an accident, the principle of heredity may now be regarded as of the essence of the house of lords—that is, it is at present the really distinctive feature of that assembly, and a reform that should destroy this feature would be an essential revolution. On the other hand, it is not by any means always true, as Mr. Freeman seems to hold, that the best way to reform an institution is to go back to its primitive form; on the contrary, it is generally probable that, as the institution has from time to time been modified to meet new conditions, the later accretions are better suited to the requirements of later days than its more primitive features. However, the house of lords may perhaps be regarded as, in this respect, an exception to a rule which would include the crown, the house of commons, and most other institutions.

But to pass from Mr. Freeman's politics to his history. Once on this ground we may follow him with more confidence, though even here caution is sometimes required. It is not difficult for him to prove such propositions as that the bicameral system in England was not the result of deliberate purpose, that the house of lords was not invented to revise the acts of the house of commons, that it has never been wholly hereditary except once or twice in the seventeenth century, and so forth. Fortunately in the course of the proof he gives an excellent summary of the history of the upper house, and touches on many points of interest connected with it. The origin of the title 'peers,' the appearance of a distinct house of lords, the severance of the baronage, the growth of its hereditary claim to the parliamentary summons, the development of ranks within the peerage, the decay of the spiritual in relation to the temporal lords, the surrender by the crown of its right to create life peers, all the steps, in fact, 'by which the house of lords gradually put on its present shape,' are succinctly and for the most part clearly treated. It was hardly to be expected that Mr. Freeman would refrain from reiterating his conviction (p. 41) 'that the ancient myeel gemot was a body in which every freeman in the realm had, in theory at least, the right to attend in person.' The arguments against this theory seem to me overwhelming, but it is unnecessary to repeat them here. In the author's

view the house of lords 'is an assembly once democratic;' but, as he says, 'we need not argue this point.' The date at which the parliamentary summons began to be regarded as hereditary can hardly be fixed with certainty. Mr. Freeman places it, without much hesitation, in the reign of Edward I (p. 454). He passes somewhat lightly over the difficulties involved in the distinction of barony by writ and barony by tenure, but has no doubt (p. 457) that the former arose out of the latter. 'The extinction of so many temporal peerages in the wars of the Roses, the creation of so many new peerages under the Tudors' he regards (p. 464) as on the one hand lowering the dignity of the order, but on the other marking it out distinctly from others. The conclusion is probably true, but the word 'many' can hardly be used in either case. Nothing is more characteristic of the Tudor system than the paucity of additions to the house of lords compared with the multitude of new seats which the sixteenth century saw created in the house of commons. These, however, are small matters. It cannot be said that Mr. Freeman has thrown much fresh light on the peerage in this article, but he has set forth in his own lucid and vigorous way facts which every student should bear in mind, and which it is no doubt well that a reformer should know. If this essay, like the volume as a whole, hardly escapes the charge of *nichts Neues*, it is no bad thing to have *das Alte* summarised by a masterly hand.

G. W. Prothero.

Colonial Chronology. A chronology of the principal events connected with the English colonies and India from the close of the fifteenth century to the present time. With maps. Compiled and arranged by H. J. Robinson. (London: Lawrence & Bullen. 1892.)

In this book, as the author states in his preface, 'an attempt has for the first time been made to give, within the compass of a single volume, a bird's-eye view of the history of our colonial empire.' The first part consists of four maps, and of chronological tables, which enumerate in parallel columns the main events in the history of the British empire in all quarters of the globe. The second part gives a short summary of information with regard to each colony or dependency. The work is one which has long been wanted, and which ought greatly to facilitate the study of the foreign and colonial history of Great Britain. It has been well designed, it contains a great deal of information in an intelligible and handy form, and, with some revision, promises to be a most valuable book. In a long list of facts and figures, it is inevitable that mistakes should occasionally creep in, to be rectified when occasion offers; and some further sorting and sifting is required, especially in the second part.

In the list of the principal authorities consulted, it is surprising to find no mention of Heeren's 'Manual of the Political System of Europe and its Colonies,' or, to take a more specialised work, of Southey's 'Chronological History of the West Indies.' Of the four maps, with which part i. of the book begins, the first three are headed, 'Map showing such portions of the British empire as were known' in 1592, 1692, and 1792 respectively. This heading is misleading. Take, for instance, the first map of the three. If the colouring implies discovery only, then the Cape of Good Hope should have been coloured, for it had been known, in the sense

takes many forms. But these forms can usually be brought under one or other of two principal types. There is the village of independent husbandmen, each owning his land in severalty. This is 'the raiyatwari or non-landlord type of village' (p. 144). There is also the village held by a group of persons, who assume the character of joint landowners, with a cultivating population under them. In most cases this group is descended from a single person, and claims to be of a caste superior to that of the other villagers. This is 'the joint or landlord village type' (p. 144). The characteristic difference between the two types is to be found in the position of the 'headman.' In the raiyatwari village he has existed from time immemorial as an hereditary officer, representing the villagers and settling their disputes. The state has invested him with certain powers for the collection of revenue; but he is an institution older than the state. In the landlord village there was originally no headman. The headman now found there has been created by the state for its own purposes.

In neither type of village, according to the author of this book, is agrarian communism, as distinct from joint family ownership, to be found. Nor, in his opinion, is there any evidence to show that at any former period the body of villagers held the village land in common. He considers that the raiyatwari type of village, the village in which separate property prevails, is the more ancient of the two. The village in which a landlord group bears sway he regards as a later type, developed from the first by various causes, such as conquest, the partition of a chieftain's land among his descendants, the grant of land free from revenue, or the assignment of revenue due from certain land made by princes to their relatives or favourites, and, lastly, the abnormal growth of tax farmers and revenue officials. The unchangeable character so often ascribed to the Indian village is a romantic exaggeration. It has felt the force of conquest and revolution, intruding new bodies of villagers among the old and creating new proprietary rights to the detriment of those already existing. Hence the perplexing diversity of its forms. But none of these forms is really analogous to the Russian *mir*, to the South Sclavonic house community, to the Swiss *allmend*, or indeed to any rural organisation found in Europe.

What sort of proprietary right the natives of India recognise is a question more interesting than easy of determination. Neither the Hindu nor the Mohammedan jurists appear to have formed a clear conception of dominion over land. Both Hindu and Mohammedan have indeed recognised the title of the first settler who clears the land and the title of the conqueror who seizes the land. But these original titles have given rise to innumerable gradations of landed right. Singularly enough, it was only in the eighteenth century, in the period of their extreme decadence, that the native governments put forth a claim to act as owners of the soil. It was just at this time that the weakness of these very governments allowed the revenue officials and tax farmers in many districts to acquire rights somewhat resembling those of a European landlord. The British government succeeded to the claim of the native governments, not to enforce it to the full, but to use it 'as a *locus standi* for redistributing, conferring, and recognising rights on a new basis' (p. 234). It retains, indeed, a general claim to waste lands, rights of

escheat and forfeiture, and a first charge on the land for the land revenue. But all this amounts to little more than the eminent domain which belongs to all governments. The Indian government cannot be regarded as a landlord, nor the Indian land tax as rent.

These are but a few of the subjects of general historical interest dealt with in the first part of this manual. Space will not allow us to dwell upon the description of the systems of land revenue which have successively prevailed in India. Nor can we do more than mention the wealth of curious facts relating to land tenures at present existing in various Indian provinces. This manual has made available to the public the masses of information contained in the voluminous official literature of the Indian land revenue. It must take a high place among the books which are enabling the western public for the first time to comprehend the social structure of one of the great divisions of the eastern world.

F. C. MONTAGUE.

England's Commercial and Industrial Supremacy. By J. E. THOROLD ROGERS. (London: Fisher Unwin. 1892.)

In this book we have a series of lectures dealing with various heads of English economic history. We have historical *résumés* of the development of industrial skill in England, chapters on the progress of English population, the development of credit agencies, the development of transit, chartered trade companies, a restatement of Mr. Thorold Rogers's theory of economic rent, discussion on methods of farming, on emigration, on competition at home and abroad, and as a conclusion a summary of economic legislation since 1815 and Mr. Rogers's remarks thereon. These things are interesting, but are in no sense new. We have had them before in other books from the same hand, and criticism made before applies now as then. The present work has not had the advantage of the author's supervision of the proof sheets. He died, leaving the lectures in manuscript. They have been edited by his son, Mr. Arthur L. Rogers, who writes a preface, in which he apologises for the presence of many things which he thinks that his father would have excised. But he goes on to say that the matter is of less consequence as these lectures are 'aimed rather at expounding the methods used by my father in his studies, than announcing new facts;' and again he says, 'I believe he considered it more important to impress his method on students of history and economics than to add more to our information.' We are invited then to an examination of Mr. Thorold Rogers's method which he would see impressed on students of history and economics. Now as to this method definition is difficult, but we know some of the outward signs of it as manifested by the author's book. Statements will be made as positive as can be desired, but no reference is given more precise than the general one to the facts contained in the 'History of Prices.' Now, if one can always trust positive statements, well and good; but then one would expect for example that, when the old statement is repeated, assigning a kindred between the medieval gild and the modern trades union on the ground that both were safeguards against oppression, some notice would be taken of the contrary view that there was no opposition between the

merchant and craft gilds. Again Mr. Rogers makes much of the oppressive regulation of wages by the 'magistrates' or justices as they may be called with greater propriety; now this may have been so, and the author of this book gives eleven cases in his 'History of Agriculture and Prices.' One has learnt from another workman in the same field, though the results were not published at the time of Mr. Thorold Rogers's death, that, instead of these eleven cases proving that such assessment was general, they go to show the contrary. By the preamble of a statute of James I, we find that the wages clauses of the act of 1563 had become inoperative, and the quarter sessions records in the West-Riding for 1597–1601 and Bedford 1650–1660 have absolutely no mention of any question connected with the assessment of wages by the justices. This fact admits of two explanations, either that the justices did not as a practice assess wages at all, or that the wages were assessed for long periods, and that there was complete satisfaction with the rate. The former is the more probable, as Sir Matthew Hale seems, in 1683, to be ignorant that there was any means of raising wages by the law, an ignorance which can scarcely be explained if the justices habitually assessed wages. Be this as it may, the theory that the statute was made a means of habitual oppression can find no place. Here are fourteen years of quarter sessions records and no cases of proceedings taken under an act that was 'oppressively administered.' If Mr. Thorold Rogers had the familiarity with the records of quarter sessions which he would have us believe, then he could not have been ignorant of these facts; if he had not such familiarity he should not have made positive and abusive statements about oppressive acts. Infallibility ought not to be found out. G. TOWNSEND WARNER.

The Political Value of History. By W. E. H. LECKY, (London: Arnold. 1892.)

MR. LECKY in reprinting, with additions, an address which he delivered before the 'Birmingham and Midland Institute' gives much good advice to those who think that the study of history can be used as a direct guide to the politician. He holds that its chief use lies in directing the attention of the student to the dominant idea or characteristic of the period with which he is occupied. 'The same method,' he adds, 'which furnishes a key to the past forms also an admirable discipline for the judgment of the present.'

Mr. Lecky is less satisfactory when he lays unusual stress on the importance of the personal element in the making history as against general causes. 'It is not often remembered,' he says, 'that when the States-General met in 1789 by far the larger part of the benefits of the Revolution could have been attained without difficulty, without convulsion and by general consent.' He then quotes the words of Jefferson: 'I was much acquainted with the leading patriots of the Assembly. Being from a country which had successfully passed through a similar reformation, they were disposed to my acquaintance, and had some confidence in me. I urged most strenuously an immediate compromise to secure what the government were now ready to yield. It was well understood that the King would grant at this time, (1) freedom of the person by Habeas

Corpus; (2) freedom of conscience; (3) freedom of the press; (4) trial by jury; (5) a representative legislature; (6) annual meetings; (7) the origination of laws; (8) the exclusive right of taxation and appropriation; and (9) the responsibility of Ministers; and with the exercise of these powers, they could obtain in future whatever might be further necessary to improve and preserve their constitution.'

It is quite intelligible that this sort of thing should have been written by a contemporary, but it is surprising that it should be repeated by a writer of Mr. Lecky's authority at the present day. If there is one thing which is plain to all serious students of the French Revolution, it is that the struggle for equality took precedence of the struggle for liberty, and that the essence of the movement lay in the controversy of the Third Estate with the privileged orders; not in the controversy between the three estates and the king. If the French revolutionists refused to imitate Washington or Lord Somers, it was not because they were personally foolish or ill-advised, but because the current of feeling bred of the stress of circumstances was sweeping them on in quite another direction.

SAMUEL R. GARDINER.

Culture in Early Scotland. By JAMES MACKINNON, M.A., Ph.D. (London: Williams & Norgate. 1892.)

THIS is, on the whole, a sober and sensible book, consisting of fourteen chapters grouped under the three headings of Prehistoric Culture, Roman Culture, and Celtic Christian Culture. Lest one should be in doubt as to what he means by culture, the author begins with the following explanation: 'I use the word culture, in a general sense. It embraces the mental condition of man and its modes of expression,—whatever, in short, is of interest and importance in the condition of a people. It refers to its intellectual and moral state, its sense of art or its manual skill, its customs and social institutions, &c., as far as these may be inferred, or have been handed down by written record.' Thus it appears after all that he only uses *culture* instead of the longer word *civilisation*, as most writers on archæological subjects are wont to do. Dr. Mackinnon has been very industrious in his reading of the literature bearing on his subject; but we take exception here and there to his statements. Thus, when he says, p. 3, 'Finn and Goidel, Brython and Roman, Saxon and Norseman, and may be others long forgotten, have contributed their share to this record, which the soil of the country has preserved,' we should like some kind of evidence adduced as to the presence of the Finn at any time in the British Isles. He returns to the Finn at page 21, in such a way as to make the reader fancy that Mr. Elton and Professor Rhys believe in a British Finn; that would be wrong, we imagine, in the case of Professor Rhys, but right in that of Mr. Elton, though no reference is given. At p. 34 we are sorry to find the Catrail still treated seriously, but, *en revanche*, the author gibbets Campbell's 'Hittites,' p. 38. We meet, p. 43, once more with the exploded name of *Vecturiones* instead of *Verturiones*, and are told again that the name of the Picts 'refers to the habit of tattooing the body;' it would be fairer to Professor Rhys if the author would take his views from his Rhind Lectures rather than from his 'Celtic Britain' written many years

before. Speaking of the old lapidary monuments of Aberdeenshire, p. 49, the author says, that 'they do not probably reach beyond the Celtic settlement, if, indeed, as Dr. Anderson asserts, they are not symbols of the early Christian period.' We can hardly comprehend how anybody can entertain the idea that they are older than Christianity in Aberdeenshire; but Dr. Mackinnon is generally hazy on the subject of ancient writing, as, for instance, when he says on the same page that 'the Gaulish Druids were acquainted with letters, and made their calculations in Greek characters.' Is he afraid to say shortly and simply that Gaulish was written in Greek letters, as though there were no well-known Gaulish inscriptions extant in Greek characters? He is in error also as to another kind of writing, when he speaks, p. 238, of 'an inscription in writing, which has received the name of Ogham, from a note in the "Book of Ballymote" (A.D. 1391).' If Dr. Mackinnon will take the trouble to turn to the word *ogum* in the glossary to Windisch's 'Irische Texte,' he will there find a few references to the use of the word several centuries earlier than the year 1391. At page 116 the author gives the Picts a settlement 'between the Pentlands and the river Carron,' but as doubt has been thrown on the notion that this application of the word Pentland has anything to do with the Picts, we should be glad to know what evidence he has for his statement. We notice, p. 162, that Dr. Mackinnon's northern and southern Picts are practically Picts of the Highlands and of the Lowlands respectively. It has been usual hitherto to suppose the southern Picts to have been those of Galloway and the northern Picts those beyond the Forth; so the author ought to have given satisfactory reasons for departing from the ordinary treatment of them. Unless we are mistaken, the reader is not even warned of this new departure. Lastly the book contains a good many misprints which should be eliminated in a second edition, such as *Gwendolen* for *Gwendoleu* (p. 128, 142), *Drustice* for *Drusticc* (p. 132), *Maelgwyn* for *Maelgwn* (p. 136), *Clywd* for *Clwyd* (p. 139); and, as we have alluded to a second edition, let us add that it should have an index.

Coins and Medals. By the authors of the British Museum Official Catalogues. Edited by STANLEY LANE-POOLE. New edition revised. (London: Elliot Stock. 1892.)

WE are glad to welcome after seven years a new edition of this valuable handbook to the general study of numismatics, in which all the staff of the British Museum coin room took their part. It reproduces with slight alteration—mostly small verbal corrections—the text of the edition which appeared in 1885. The only objection which we can bring against the book is the unhappy archaism of its type. Of its many merits perhaps the chief is the stress laid on the continuity of the history of coinage from the day of the striking of the rude Lydian 'dumps' of Gyges down to the ignoble Jubilee shilling and the scarcely less hateful mark and lira of modern Europe. If we put aside the inartistic and uninteresting currency of China and Japan, every existing piece of money can trace back its ancestry to a common source at Sardis in the seventh century before Christ. The descent of the denarius from the Greek drachma, and of the medieval penny from the denarius, is generally known, but it is startling

to find how many other systems in Asia and Africa trace their origin to the same parentage. India learnt the art of coinage from the Bactrian successors of Alexander the Great—the rulers of that strange kingdom at the back of the North Wind, which so long survived its separation from Europe and civilisation. Parthia imitated the money of the Seleucidae, and from the Parthians were copied the pieces of the Persian kings, which in their turn became the prototypes of the early Mahometan Khalifs. The *dirhem* and *dinar* of Haroun-el-Raschid show by their very names a descent from the drachma and the denarius. It is curious to note how on the very earliest gold coinage of the Khalifs the Byzantine idea that a coin must present the image of the ruler of the land prevailed over Mahometan orthodoxy, and caused Abd-el-Melik to place himself at full length with girdle, sabre, and pyjamahs on his new currency.

We need hardly say that the ancient coinages of Rome, Greece, and the East fare well in the experienced hands of Mr. Head and Professor Gardner. But probably many readers will find an even greater interest in following in Mr. Keary's two articles the story of the degradation of the Roman series into the barbarous sous and deniers of the earlier middle age, and of the gradual revival in the fourteenth and fifteenth centuries of the art of Europe which finally gave the world the glorious medals and coins of the Renaissance. But the whole book from first to last is replete with interest—save the story of the rather unintelligible coppers of China —which not even M. Terrien de la Couperie can render attractive. There is not a page in this modest volume which will not repay diligent perusal.

History of the Christian Church, A.D. 1–600. By the late Dr. WILHELM MOELLER, Professor Ordinarius of Church History in the University of Kiel. Translated from the German by ANDREW RUTHERFORD, B.D. (London: Sonnenschein. 1892.)

THE history published by Wilhelm Moeller in 1891, shortly before his death, was notably distinguished by ripeness of learning, sobriety of judgment, and, above all, that historical sense which inclines to give weight to at least the substance of early tradition, until it is disproved, rather than to any modern hypothesis, however ingenious, which contradicts that tradition. In a text-book for students the author was disposed rather to understate his meaning; we feel often that there is more behind which could have been brought out with effect had he chosen to write at greater length: and in some cases the candour with which he records opposing views has an air of indecision, and leaves the reader in uncertainty, which might have been partly avoided, had the author given us the benefit of a more extensive and more uniform apparatus of references to his authorities. Still the book as a whole is so valuable, that we cannot but regret that the translation should have been undertaken by one who has the slenderest qualifications for the task. As English the book is unreadable, and without a knowledge of German it is frequently unintelligible. The patient plodder will however be able to make out the general sense of the original, which is too clearly expressed for even the worst translator, writing the most cumbrous and involved English sentences, to deface altogether.

Geschichte des deutschen Volkes bis zum Augsburger Religionsfrieden. Von KARL WILHELM NITZSCH. Nach dessen hinterlassenen Papieren und Vorlesungen herausgegeben von GEORG MATTHÄI. Zweite durchgesehene und vermehrte Auflage. 3 volumes. (Leipzig: Duncker & Humblot. 1892.)

IT is not necessary at this date to call attention to the remarkable va[illegible]ue of the history which Dr. Matthäi constructed with the help of scatte[illegible]red papers, notes, and lectures left behind him by Karl Wilhelm Nitzsch [illegible]at his death more than twelve years ago; but we may take the opportuni[illegible]ty, afforded by the appearance of a second edition, of expressing a hope that t[illegible]the book, which has now acquired the position of a standard manual [illegible]in Germany, may become better known and more widely read both [illegible]by teachers and students among ourselves. In the compass of some twel[illegible]lve hundred pages it contains a sketch of German history distinguished [illegible]by clearness of exposition, breadth of view, and mastery of principles. Th[illegible]he author's chief interest centres in the growth of institutions and th[illegible]he changes in the condition of society; but the narrative of events is suffi[illegible]- ciently detailed for the purpose of a general history, and is enlivened [illegible]t times by brilliant descriptions and striking characters of men. Tha[illegible]t Nitzsch's opinions on some points in the history of institutions are stil[illegible]l the subjects of controversy is well known; but his editor has done wisel[illegible] in recording them without change, and limiting himself to corrective o[illegible] confirmatory footnotes. The work, considering the materials from whic[illegible] it has been put together, is wonderfully uniform; and we suspect that we owe more to the skill and learning of Dr. Matthäi than his modesty allows him to claim for himself. We wish only that the chapters had been broken up into sections with titles, or at least that the pages were provided with headlines. The absence of an index is a serious omission.

Queen Joanna I of Naples. By ST. CLAIR BADDELEY. (London: Heinemann. 1893.)

MR. BADDELEY'S sumptuously got-up book on Joanna of Naples consists of a series of diffusé sketches and essays on various historical points, which are not always very closely related to the life of his heroine, and which convey a minimum of historical information with a maximum of cheap eloquence. The book has no substance at all about it. The style is singularly bad, and the taste of the writer is not always irreproachable. Mr. Baddeley seems to have a special dislike to Rienzi, and exhausts all the resources of his vocabulary to find abusive epithets for the unlucky tribune; but he does not seem to have much detailed knowledge of the subject of his invective.

Sex quam elegantissimae Epistolae. Printed by William Caxton in 1483: reproduced in facsimile by James Hyatt, with an introduction and translation by GEORGE BULLEN, C.B., LL.D. (London: Lawrence & Bullen. 1892.)

THESE letters have a twofold interest, due to their matter and their publication by Caxton. Their matter illustrates the relations between the Papacy and Venice (1482–3), when Sixtus IV. had deserted his ally in

the war against Ferrara. Two of them have already been published entire in dei Conti's History, and one substantially; the remaining three throw little fresh light directly on the period. But Italian diplomacy, in spite of its darker shades, was always interesting, as the printing of these, the first diplomatic correspondence to be published, shows. Only one copy of Caxton's issue (there may have been an earlier Italian one) now exists, and it was bought for the British Museum in 1890. From this Mr. Hyatt has reproduced his beautiful facsimile, and Mr. Bullen his accurate translation. The introduction gives all the essential facts, and an adequate historical setting. One would gladly know more of Caxton's reasons for printing the letters; his own natural interest in foreign politics, and the advice of Petrus Carmelianus (an Italian who 'revised the proofs' and was himself a link between England and Italy), are two good reasons; besides, the age thought much of letters supposed to have literary value, for a third.

Calendar of the Proceedings of the Committee for Compounding, 1643–1660. Edited by Mrs. M. A. E. GREEN. Vols. IV, V. (London: H.M. Stationery Office. 1892–3.)

PREVIOUS volumes of this 'Calendar' have been noticed in the ENGLISH HISTORICAL REVIEW for April 1892, pp. 371–3. It is now completed, and Vol. V. contains a very elaborate and much-needed index to the whole series, besides a valuable introduction in which Mrs. Green attempts by examples 'to show how the legislation of parliament and of the committee for compounding acted upon the individuals concerned.' For the personal history of the royalist party and family history in general these volumes are invaluable. We also have here an important contribution to the financial history of the different governments which existed between 1642 and 1660. Unfortunately, when Mrs. Green's last volume was published, it was difficult exactly to estimate the amount raised by the fines imposed on delinquents, as 'no summary of the treasurers' accounts has been found.' On p. xxxi of the introduction to Vol. V. Mrs. Green sums up the evidence she was then able to collect on this point. It is understood that she has since discovered a paper giving a *résumé* of Waring and Fleming, the treasurers of the Goldsmiths' Hall Committee to which these fines were paid, giving the total receipts from 16 Oct. 1643 to 16 June 1653, as 1,663,739*l.* 3*s.* 3*d.* The slightest study of these cases shows how severely the royalists suffered from the civil war, and helps to explain the bitterness of English politics during the rest of the century. The arrangement, calendaring, and indexing of these voluminous and miscellanous documents must have cost far more labour than is needed in the case of the ordinary volumes of 'Domestic State Papers,' and Mrs. Green deserves the thanks of all students of the period.

Some Account of the Huguenot Family of Minet, from their coming out of France at the Revocation of the Edict of Nantes MDCLXXXVI., *founded on Isaac Minet's 'Relation of our Family.'* London: Printed for the Author by Spottiswoode & Co. 1892.

IN setting forth the history of his family, Mr. Minet has given one more illustration of the solid virtues of the Huguenot refugees. Isaac

Minet, who was driven from France in the great persecution, founded a house of business at Dover which ultimately grew into the National Provincial Bank of the present day. To the general reader by far the most interesting part of the book is that which tells the story of the escape of Isaac Minet from Calais where their home had been. In June 1685 his mother's sister-in-law died at Ardres, 'and because she did not receive y^e^ Sacrament of the Romish Church her dead body was caryed to prison and her estate confiscated, and three days after she was dragged by the feett by horses about the streett, the mobb stoning y^e^ body in such a manner y^t^ her head was broke in pieces of from her body, and was so drag^d^ out of y^e^ town and stakt on a crossway.'

If such was the treatment of the dead, the living were not likely to be left at peace. Isaac and his mother made up their minds to fly to England, rather than bend before the storm. For the obstacles in their way, and the patience and skill with which they surmounted them, the reader must be referred to Isaac's own narrative.

Professor Adolf Harnack has succeeded to a remarkable degree in preserving in his short *Grundriss der Dogmengeschichte*, zweite Hälfte (Freiburg: Mohr, 1891), the characteristics of clearness and precision of statement which distinguish his larger history. It is unnecessary here to dwell on his masterly grasp of principles, or his penetration, almost divination, of the inner motives which determined the successive changes in theological opinion. These are well known to the students of the *Dogmengeschichte* itself. In the present sketch, while the exposition is throughout fresh and original, everything is told in the briefest and most objective manner; but the reader is also regularly directed to sources of fuller information. The limits of the second volume embrace the whole history of doctrine in the western church, ending with the three opposing systems represented in Tridentine catholicism, Socinianism, and the Lutheran reformation. We may hope that our theological students may one day have the advantage of using it as a text-book in an English version.

Miss Edith Thompson's little volume of extracts illustrating *The Wars of York and Lancaster*, 1450–1485, is one of the best in Mr. York Powell's excellent series entitled *English History by Contemporary Writers* (London: Nutt. 1892). There is no period in which we feel more the lack of a trustworthy English historian of the time, for the Tudor version of the facts is notoriously one-sided. Miss Thompson has wisely filled out her selection by means not merely of passages from the regular historical sources but also of songs, private letters, and the like, making (as might have been expected) good use of the Paston correspondence and of the additions to our information on the period supplied by Mr. Maxwell Lyte in his report on the Belvoir papers. We have thus a store of characteristic extracts describing many of the more striking events in the history, which moreover let us see the different opinions men held on the merits of the civil contest, and throw light on the social condition of the country. No consecutive narrative is attempted; but the connexion of the extracts is sufficiently indicated by notes prefixed or subjoined. Obsolete words are

carefully explained; and the pieces, where the originals are in Latin or French, are translated into clear and readable English. The teacher as well as the student will be grateful for this convenient anthology.

The Wisdom and Wit of Blessed Thomas More, being Extracts from such of his Works as were written in English, collected and edited by the Rev. T. E. Bridgett, C.SS.R. (London: Burns & Oates, 1892), scarcely falls within the province of the HISTORICAL REVIEW to discuss. Yet we may say briefly that it makes more plain the necessity, on grounds historical and philological, for a new edition of the works of the great English worthy. Selections from poets are bad enough; selections from prose writers, where the force of consecutive argument is entirely lost, are worse; and we are not inclined to commend selections made with a purpose, such as the book before us. Father Bridgett's introductory lecture is carefully written, as might be expected from the author of the conscientious life which we noticed on its publication. The value of the work is that it should send readers to the pit whence it was digged.

The second volume of the illustrated edition of Mr. J. R. Green's *Short History of the English People*, the first volume of which was noticed in the ENGLISH HISTORICAL REVIEW, vii. 813, is even more attractive than its predecessor. Reaching as it does from 1377 to 1610, it deals with the most gorgeous period of English life, and the editors, Mrs. J. R. Green and Miss Kate Norgate, have made good use of their opportunities. To pass as we do here from the work of illuminators of manuscripts to that of painters and engravers is itself an educative process. The architectural illustrations are well chosen.

Dr. M. Manitius has published, in the form of a supplement to the 'Rheinisches Museum für Philologie,' new series, vol. xlvii. (Frankfort: Sauerländer. 1892), an exceedingly useful index of the works of Latin authors mentioned in medieval catalogues of libraries prior to 1300 (in one case, 1338). It is entitled 'Philologisches aus alten Bibliothekskatalogen,' and bears evidence to the same minute care which has marked the compiler's numerous contributions to the study of the Latinity of medieval writers. The authors are arranged in chronological order, ending with Aldhelm, Baeda, and Tatuinus; and the entries in the catalogues are grouped, in all the longer articles, under countries and places. The works of the classical and sub-classical writers are given entire; but in the later period Dr. Manitius excludes, as a rule, books of a patristic or a legal character. He has added a large number of references to the use of the authors enumerated, from other sources than catalogues. His object is to give a picture of the literature—especially the poetical literature—which we can say with certainty was accessible in the middle ages; and his little synopsis, while not at all professing to take the place of Gottlieb's treatise, 'Ueber mittelalterliche Bibliotheken,' 1890, will be found, within its limits, a most practical book of reference for students of the history of medieval learning. We may notice the thoroughness with which Dr. Manitius has worked through the English catalogues, so far as they are available in print.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works of miscellaneous contents)

Beaufort (W. H. de). Geschiedkundige opstellen. 2 vol. Pp. 231, 237. Amsterdam: P. N. van Kampen. 5·40 fl.

Blanchet (J. A.) Études de numismatique. I. Pp. 333, 4 plates. Paris: Rollin & Feuardent. 10 f.

Dargun (L. von). Studien zum ältesten Familienrecht. I: Mutterrecht und Vaterrecht. 1: Die Grundlagen. Pp. 155. Leipzig: Duncker & Humblot. 3·20 m.

Fustel de Coulanges & Jullian (C.) Questions historiques: De la manière d'écrire l'histoire; les origines de la propriété; Polybe; Chio; questions romaines; questions contemporaines. Pp. 523. Paris: Hachette. 10 f.

Grotefend (H.) Zeitrechnung des deutschen Mittelalters und der Neuzeit. II. 1: Kalender der Diöcesen Deutschlands, der Schweiz, und Skandinaviens. Pp. 25. Hanover: Hahn. 10 m.

Heigel (K.) Essays aus neuerer Geschichte. Pp. 347. Bamberg: Buchner. 8 m.

Lea (H. C.) Superstition and force: essays on the wager of law, the wager of battle, the ordeal, torture. 4th ed. revised. Pp. 627. Philadelphia: Lea.

Macray (W. D.) Catalogi codicum manuscriptorum bibliothecae Bodleianae part. V. 3: Codices Rawlinsoniani D. Col. 683. Oxford: Clarendon Press. 4to.

Müller (W.) Bilder aus der neueren Geschichte. Stuttgart: Bonz. 4 m.

Reinach (S.) L'origine des Aryens. (Bibliothèque orientale elzévirienne. LXVIII.) Paris: Leroux. 18mo. 2·50 f.

Rocholl (R.) Die Philosophie der Geschichte. II: Der positive Aufbau. Göttingen: Vandenhoeck & Ruprecht. 12 m.

Roscher (W.) Politik: Geschichtliche Naturlehre der Monarchie, Aristokratie, und Demokratie. Pp. 722. Stuttgart: Cotta. 10 m.

Rossetto (V.) Storia dell' arte militare antica e moderna. Pp. 511, 17 plates. Milan: Hoepli. 16mo.

II. ORIENTAL HISTORY

Aegyptische Urkunden aus den königlichen Museen zu Berlin. Griechische Urkunden: 1-3. Pp. 96. Berlin: Weidmann. 4to. Each 2·40 m.

André (T.) L'esclavage chez les anciens Hébreux: étude d'archéologie biblique. Paris: Fischbacher. 3·50 f.

Bezold (C.) Oriental diplomacy; being the transliterated text of the cuneiform despatches between the kings of Egypt and western Asia in the fifteenth century B.C., discovered at Tell-el-Amarna, and now preserved in the British Museum, with vocabulary, notes, &c. Pp. 169. London: Luzac. 18/.

Broughton (T. D.) Letters written in a Mahratta camp [1809]. New. ed., with introd. by Sir M. E. Grant Duff. Pp. 266. London: Constable. 6/.

Compton (H.) A particular account of the European military adventurers of Hindustan [1784-1803]. Pp. 404. London.

Ethiopia.—Les chroniques de Zar'a Yâcegôb et de Ba'eda Mâryâm rois d'Éthiopie [1434-1478]. Texte éthiopien et traduction, avec une introd. de I. Perruchon. Map. Paris.

Guzmán (P. L. de). Historia de las misiones de la Compañia de Jesús en la India oriental, en la China y Japón [1540-1600]. Pp. 674. Bilbao (Madrid: Hernández). 4to. 11 pes.

Harper (R. T.) Assyrian and Babylonian letters belonging to the K collection of the British Museum. I. Pp. 132. London: Luzac. 25/.

Hunter (sir W. W.) The Indian empire; its people, history, and products. Pp. 852, map. London: Allen. 28/.

Jacob (G.) Studien in arabischen Geo-

graphen. I–IV. Pp. 1–176. Berlin: Mayer & Müller. 6·50 m.

LEHAULT (P.) La France et l'Angleterre en Asie. I: Indo-Chine; Les derniers jours de la dynastie des rois d'Ava. Paris: Berger-Levrault. 10 f.

LYALL (sir A.) Rise of the British dominion in India. Pp. 282. London: Murray. 4/6.

M'CRINDLE (J. W.) The invasion of India by Alexander the Great, as described by Arrian, Q. Curtius, Diodorus, Plutarch, and Justin. With introd. and notes. Pp. 410, maps. London: Constable. 18/.

MONTEFIORE (C. G.) Lectures on the origin and growth of religion, as illustrated by the religion of the ancient Hebrews. (Hibbert Lectures, 1892.) Pp. 598. London: Williams & Norgate. 10/6.

OHNEFALSCH-RICHTER (M.) Kypros, the Bible, and Homer; oriental civilisation, art, and religion in ancient times. Pp. 531, 219 plates. London: Asher. 4to. £9.

ROGERS (A.) The land revenue of Bombay: a history of its administration, rise, and progress. 2 vol. London: Allen. 20/.

ROST (P.) Die Keilschrifttexte Tiglat-Pilesers III, nach den Papierabklatschen und Originalen des Britischen Museums neu herausgegeben. 2 vol. Leipzig: Pfeiffer. Pp. xxxix, 145. 20 m.

SPIEGELBERG (W.) Studien und Materialien zum Rechtswesen der Pharaonenreiches der Dynastien XVIII–XXI (c. 1500–1000 v. Chr.) Hanover: Hahn. 10 m.

TELL AMARNA tablets, The, translated by C. R. Conder. London: Watt. 5/.

III. GREEK AND ROMAN HISTORY

ARISTOTLE'S Constitution of Athens; a revised text with introd. and notes by J. E. Sandys. London: Macmillan. 15/.

BERGER (H.) Geschichte der wissenschaftlichen Erdkunde der Griechen. IV: Die Geographie der Griechen unter dem Einflusse der Römer. Pp. 170. Leipzig: Veit. 4·80 m.

CANTALUPI (P.) La guerra civile sillana in Italia: studio delle fonti. P. 44. Como: tip. dell' Araldo.

DESSAU (H.) Inscriptiones Latinae. I. Berlin: Weidmann. 16 m.

FOWLER (W. W.) The city-state of the Greeks and Romans; a survey introductory to the study of ancient history. Pp. 332. London: Macmillan. 5/.

HERODOTUS, books v and vi. Ed. with notes and appendices by E. Abbott. Pp. 347. Oxford: Clarendon Press.

LANCIANI (R.) Pagan and Christian Rome. Pp. 362, illustr. London: Macmillan. 24/.

MEYER (E.) Forschungen zur alten Geschichte. I: Zur älteren griechischen Geschichte. Pp. 325. Halle: Niemeyer. 8 m.

SCHLOSSER (J. von). Beschreibung der altgriechischen Münzen der kunsthistorischen Sammlungen des allerhöchsten Kaiserhauses. I: Thessalien, Illyrien, Dalmatien, und die Inseln des adriatischen Meeres, Epeiros. Pp. 116. 5 plates. Vienna: Holzhausen. 5 m.

IV. ECCLESIASTICAL AND MEDIEVAL HISTORY

BASILEENSE, Concilium. Scriptorum tom. III. 2. (Monumenta conciliorum generalium seculi XV.) Pp. 399–538. Vienna: Tempsky. 4to. 7·50 m.

BELFORT (A. de). Description générale des monnaies mérovingiennes par ordre alphabétique des ateliers. II: *Daernalum - Oxxellos.* Pp. 468, illustr. Paris: Société française de numismatique. 15 f.

BERTRANDON de La Broquière, premier écuyer tranchant et conseiller de Philippe, duc de Bourgogne, Le voyage d'outre-mer de. Ed. by C. Schefer. (Recueil de voyages et de documents pour servir à l'histoire de la géographie depuis le XIII^e^ jusqu'à la fin du XVI^e^ siècle. XII.) Paris: Leroux. 30 f.

BRAUNSBERGER (O.) Entstehung und erste Entwicklung der Katechismen des seligen Petrus Canisius, aus der Gesellschaft Jesu, geschichtlich dargestellt. Pp. 187. Freiburg: Herder. 2·50 m.

CLAUSSE (G.) Les monuments du christianisme au moyen âge: Basiliques et mosaïques, chrétiennes; Italie; Sicile. I. Illustr. Paris: Leroux. 15 f.

CLEMENTIS papae V regesti, ex Vaticanis archetypis nunc primum editi cura et studio monachorum ordinis S. Benedicti appendices. I. Pp. 523. Rome: Spithoever. Fol.

GEBHARDT (O. von) & HARNACK (A.) Texte und Untersuchungen zur Geschichte der altchristlichen Literatur. IX. 1: Untersuchungen über die Edessenische Chronik, mit dem syrischen Text und einer Übersetzung herausgegeben von L. Hallier; Die Apologie von Aristides, übersetzt mit Anmerkungen von R. Raabe. Pp. 170, 97. Leipzig: Hinrichs. 8·50 m.

GRÜTZMACHER. Die Bedeutung Benedikts von Nursia und seiner Regel in der Geschichte des Mönchtums. Pp. 72. Berlin: Mayer & Müller. 1·80 m.

HASE (K. von). Kirchengeschichte auf der Grundlage akademischer Vorlesungen. III. 2. Ed. by G. Krüger. Pp. 728. Leipzig: Breitkopf & Härtel. 12 m.

HAURÉAU (B.) Notices et extraits de quelques manuscrits latins de la Bibliothèque nationale. V. Pp. 354. Paris: Klincksieck. 7 f.

ITALY.—Diplomi imperiali e reali delle cancellerie d' Italia, pubblicate a facsimile dalla R. Società Romana di Storia Patria. I. Rome: Loescher. 25 l.

JAHR (R.) Die Wahl Urbans VI [1378]. (Hallische Beiträge zur Geschichtsforschung. II.) Pp. 94. Halle: Kämmerer. 1·50 m.

KLEIN (C.) Raimund von Aguilers: Quellenstudie zur Geschichte des ersten Kreuzzuges. Berlin: Mittler. 2·75 m.

KÖHLER (G.) Entwickelung des Kriegswesens u. der Kriegsführung in der Ritterzeit. Ergänzungsheft, die Schlachten von Tagliacozzo und Courtrai betreffend. Pp. 27. Breslau: Koebner. 1 m.

KUKULA (R. C.) Die Mauriner Ausgabe des Augustinus: ein Beitrag zur Geschichte der Literatur und der Kirche im Zeitalter Ludwigs XV. III. 1. Pp. 48. Vienna: Tempsky. 1·10 m.

PALMIERI (G. B.) Appunti e documenti per la storia dei glossatori. I. (Il Fortunciarium tabellionum di Irnerio.) Pp. cxxiii, 140. Bologna: Virano. 16mo.

PREGER (W.) Geschichte der deutschen Mystik im Mittelalter, nach den Quellen untersucht und dargestellt. III: Tauler; Der Gottesfreund vom Oberlande; Merswin. Pp. 418, plate. Leipzig: Dörffling & Franke. 9 m.

RAMSAY (W. M.) The church in the Roman empire before A.D. 170. London: Hodder & Stoughton. 12/.

SCHAFF (P.) History of the Christian church: Modern Christianity; the Swiss Reformation. 2 vol. Pp. 890. Edinburgh: Clark. 21/.

SCHULTZ (O.) Die Briefe des Trobadors Raimbaut de Vaqueiras an Bonifaz I, Markgrafen von Monferrat, zum ersten Male kritisch herausgegeben von. Pp. 140, maps. Halle: Niemeyer. 4 m.

WOELBING (G.) Die mittelalterlichen Lebensbeschreibungen des Bonifatius, ihrem Inhalte nach untersucht, verglichen, und erläutert. Pp. 160. Leipzig: Fock. 2 m.

V. HISTORY OF MODERN EUROPE

ALBERONI (J. M.) Lettres intimes de, adressées au comte J. Rocca, ministre des finances du duc de Parme, et publiées par E. Bourgeois. (Annales de l'Université de Lyon. IV.) Pp. liii, 705, portr. Paris: Masson. 10 f.

ARVERS (P.) Guerre de la succession d'Autriche [1742–1748]: mémoire extrait de la correspondance de la cour et des généraux, par F. E. de Vault, lieutenant général; revu et annoté par. Pp. 741, 882, plates. Nancy: Berger-Levrault. 30 f.

AUBIGNÉ (A. d'). Histoire universelle. VI: [1579–1585], publ. par le baron de Ruble. Pp. 385. Paris: Laurens. 9 f.

BONNASSIEUX (P.) Les grandes compagnies de commerce: étude pour servir à l'histoire de la colonisation. Pp. 563. Paris: Plon.

CAPASSO (G.) La diplomazia pontificia in Germania nel secolo XVI. Pp. 32. Turin: Bocca.

DELLARD (général baron). Mémoires militaires sur les guerres de la république et de l'empire. Pp. 290. Paris: Libr. illustrée. 7·50 f.

EUGEN von Savoyen, Feldzüge des Prinzen. (Geschichte der Kämpfe Oesterreichs.) Register-Band. Vienna: Gerold. Pp. 1021. 30 m.

GRANVELLE (cardinal de). Correspondance. Ed. by C. Piot. IX.: [1582]. Pp. lxxi, 828. Brussels: Hayez. 4to. 12 f.

HAMEL DE BREUÏL (J. du). Le testament politique de Charles V de Lorraine Pp. 65. Nogent-le-Rotrou: imp. Daupeley-Gouverneur.

KRÄMER (F. J. L.) De Nederlandsch-Spaansche diplomatie vóór den vrede van Nijmegen: bijdrage tot de staatkundige geschiedenis der Nederlanden in het tijdperk van Willem III. Pp. 288. Utrecht: Beijers. 3·25 fl.

LAMEIRE (I.) De la neutralité de la Haute-Savoie et de quelques autres cas de neutralité locale. Map. Paris: Pedone-Lauriel. 4 f.

LECESTRE (L.) La mission de Gourville en Espagne [1670]. Pp. 44. Besançon: imp. Jacquin.

LEGRELLE (A.) La diplomatie française et la succession d'Espagne. IV: La solution [1700–1725]. Paris: Pichon. 10 f.

MAAG (A.) Geschichte der Schweizertruppen im Kriege Napoleons I in Spanien und Portugal [1807–1814]. II. Pp. 626, 4 maps. Biel: Kuhn.

MAHAN (A. T.) The influence of sea power upon the French revolution and empire, 1793–1812. 2 vol. Pp. 810. London: Low. 30/.

MAULDE-LA-CLAVIÈRE (R. de). La diplomatie au temps de Machiavel. I. Pp. 465. Paris: Leroux.

MOLTKE (count Helmuth von). The Franco-German war of 1870–1871. Translation revised by A. Forbes. Pp. 436, map. London: Osgood. 10/6.

PÉLISSIER (L. G.) La politique du mar-

quis de Mantoue pendant la lutte de Louis XII et de Ludovic Sforza [1498–1500]. Pp. 90. Le Puy: imp. Marchessou.

ROPES (J. C.) The campaign of Waterloo; a military history. Pp. xlii, 401, maps. London: Putnam.

SPAIN.—Calendar of letters and state-papers relating to English affairs preserved principally in the archives of Simancas. I: Elizabeth [1558–1567]. Ed. by M. A. S. Hume. Pp. lxiii, 708. London: H. M. Stationery Office. 15/.

STOERK (F.) Nouveau recueil général de traités et autres actes relatifs aux rapports de droit international. Continuation du grand recueil de G. F. de Martens. 2e serie. XVI. Pp. 773. Göttingen: Dieterich.

TESTA (I. de). Recueil des traités de la Porte Ottomane avec les puissances étrangères, depuis le premier traité conclu en 1536 entre Suleyman I et François I jusqu'à nos jours. VII: France. Pp. 783. Paris: Leroux. 15 f.

VANDAL (A.) Napoléon et Alexandre I. II: 1809; Le second mariage de Napoléon; Déclin de l'alliance. Paris.

VENETIANISCHE Depeschen vom Kaiserhofe (Dispacci di Germania). I, II. Vienna: Tempsky. 23 m.

VITERBI (A.) Documenti due inediti relativi alla Lega Santa strettasi nel 1526 col trattato di Cognac fra il papa, i Veneziani, il duca di Milano, e il re di Francia a' danni di Carlo V. Mantua: tip. Aldo Manuzio. Pp. 11.

A. FRANCE

BARDOUX (A.) Études sociales et politiques: les dernières années de La Fayette [1792–1834]. Paris: C. Lévy. 7·50 f.

BAYONNE, Archives municipales de. Livre des établissements. Pp. lii, 540. Bayonne: imp. Lamaignèpre. 4to. 15 f.

BEAUCOURT (marquis de). Captivité et derniers moments de Louis XVI. I: Récits originaux. II: Documents officiels. Pp. lxvii, 401, 414. Paris: Picard. 20 f.

BEAURAIRE (abbé Joseph). Chronologie des évêques, des curés, des vicaires et des autres prêtres du diocèse de Chartres depuis les temps les plus reculés jusqu'à nos jours. Pp. 711. Paris: Techener. 10 f.

BOUCHER DE MOLANDON & BEAUCORPS (baron A. de). L'armée anglaise vaincue par Jeanne d'Arc sous les murs d'Orléans: documents inédits. Pp. 315, map. Orléans: Herluison.

CARNOT, Correspondance générale de, publiée avec des notes par E. Charavay. I: [août 1792–mars 1793]. Pp. 484. Paris: Hachette. 12 f.

CHARRIER (G.) Les jurades de la ville de Bergerac, tirées des registres de l'hôtel de ville. I: [1352–1485]. Pp. 377, plates. Bergerac: imp. générale du Sud-Ouest. 16mo. 6 f.

CUNÉO D'ORNANO (E.) Hoche; sa vie, sa correspondance. Paris: Baudoin. 7·50 f.

DEGRUE DE STOUTZ (F.) Le parti des politiques au lendemain de la Saint-Barthélemy; La Molle et Coconat. Pp. 370. Paris: Plon. 8 f.

FREDERICHS (J.) Robert le Bougre, premier inquisiteur général en France. Pp. 32. Ghent: Engelcke. 2 f.

GOUGET (A.), DUCAUNNÈS-DUVAL (G.) & ALLAIN (H.) Inventaire sommaire des archives départementales antérieures à 1790. Gironde. Archives ecclésiastiques. Série G. Pp. xxxiii, 596. Bordeaux: imp. Gounouilhou. 4to. 12 f.

HUGUES (A.) Cahiers des plaintes et doléances des paroisses du Bas-Limousin aux états généraux de 1789. Pp. 234. Tulle: imp. Crauffon.

HYDE DE NEUVILLE (baron). Mémoires et souvenirs. III. Pp. 595, illustr. Paris: Plon. 7·50 f.

JARRY (L.) Le compte de l'armée anglaise au siège d'Orléans [1428–1429]. Pp. 245. Orléans: Herluison. 4 f.

JOYAU (E.) La philosophie en France pendant la révolution [1789–1795], son influence sur les institutions politiques et juridiques. Paris: Rousseau. 12mo. 4 f.

LA BORDERIE (A. de). La Bretagne aux grands siècles du moyen âge [938–1364]. Pp. 256. Rennes: Plihon & Hervé. 12mo. 3·50 f.

LAURENT (P.) Les préliminaires de Valmy. Pp. 53. Paris: Picard.

LEFRANC (A.) Histoire du Collège de France depuis ses origines jusqu'à la fin du premier empire. Paris: Hachette. 7·50 f.

MALLET (C. E.) The French revolution. Pp. 310. London: Murray. 3/6.

MARCKS (E.) Gaspard von Coligny: sein Leben und das Frankreich seiner Zeit. I. 1. Pp. 423. Stuttgart: Cotta. 8 m.

PARFOURU (P.) & CARSALADE DU PONT (J. de). Comptes consulaires de la ville de Riscle [1441–1507] (texte gascon). Pp. lxxiv, 667, illustr. Paris: Champion. 25 f.

PINGAUD (L.) Un agent secret sous la révolution et l'empire: le comte d'Antraigues. Paris: Plon. 7·50 f.

PISAN (Christine de). Le livre des faits et bonnes mœurs du sage roi Charles V; chroniques et mémoires. Pp. 391. Lille: Desclée et de Brouwer. 4 f.

PITRA (L. G.) La journée du 14 juillet 1789: fragment des mémoires inédits de. Publié avec une introd. par J. Flammermont. Pp. cclxxviii, 68. Paris: Société de l'Histoire de la Révolution française.

RADET (général), Mémoires du, d'après ses papiers personnels et les archives de l'Etat, par A. Combier. Pp. 759. Paris: Baudoin. 10 f.

REGNARD (A.) Le calendrier de l'ère révolutionnaire et sociale, avec les noms des héros de l'humanité disposés d'une façon systématique. Pp. 148. Paris: imp. Motteroz. 2 f.

SAINT-SIMON (duc de). Mémoires. Nouvelle édition collationnée sur le manuscrit autographe, augmentée des additions de Saint-Simon au Journal de Dangeau et de notes et appendices par A. de Boislisle. IX. Pp. 509. Paris: Hachette. 7·50 f.

SAULCY (F. de). Recueil de documents relatifs à l'histoire des monnaies frappées par les rois de France depuis Philippe II jusqu'à François I^er^. III, IV. Pp. 417, 529. Mâcon: imp. Protat. 4to. 25 f.

STRAVEN (F.) Inventaire analytique et chronologique des archives de la ville de Saint-Trond. IV. Pp. 496. Saint-Trond: Moreau-Schouberechts.

TROUSSET (J.) Histoire d'un siècle. XII: [1873–1892]. Pp. 412, illustr. Paris: Libr. illustrée. 7·50 f.

VIOLLET (P.) La question de la légitimité à l'avènement de Hugues Capet. Pp. 36. Paris: Klincksieck. 4to.

B. GERMANY AND AUSTRIA-HUNGARY

ALBERT (P.) Matthias Döring, ein deutscher Minorit des fünfzehnten Jahrhunderts. Pp. 194. Stuttgart: Süddeutsche Verlagsbuchhandlung.

BIPPEN (W. von). Geschichte der Stadt Bremen. I. Pp. 392. Bremen: Müller. 5 m.

BLONDEL (G.) Étude sur la politique de l'empereur Frédéric II en Allemagne et sur les transformations de la constitution allemande dans la première moitié du treizième siècle. Pp. xlvi, 440. Paris: Picard. 7·50 f.

CATHERINE reine de Westphalie, née princesse de Württemberg. Correspondance inédite avec sa famille et celle du roi Jérôme. Paris.

DAFFNER (F.) Geschichte des Klosters Benediktbeuren [704–1803]. Pp. 432. Munich: Huttler. 10 m.

DITTMAR (G.) Geschichte des deutschen Volkes, vollendet und herausgegeben von E. Stutzer. 3 vol. Pp. 566, 544, 592, portraits. Heidelberg: Winter. 15 m.

FOCKE (W.) Theodoricus Pauli, ein Geschichtsschreiber des fünfzehnten Jahrhunderts. (Hallische Beiträge zur Geschichtsforschung. I.) Pp. 122. Halle: Kämmerer. 2 m.

FRIEDRICH der Grosse. Politische Correspondenz. XIX. Pp. 643. Berlin: Duncker. 15 m.

GERAUER (J.) Die Publicistik über den böhmischen Aufstand von 1618. (Halle'sche Abhandlungen zur neueren Geschichte. XXIX.) Pp. 122. Halle: Niemeyer. 3 m.

GOETTE (R.) Geschichte der deutschen Einheitsbewegung im neunzehnten Jahrhundert. I: Das Zeitalter der deutschen Erhebung [1807–1815]. Pp. 332. Gotha: Perthes. 5·60 m.

GRÜNBERG (P.) Philipp Jakob Spener. I. Pp. 531. Göttingen: Vandenhoeck & Ruprecht. 10 m.

HANSERECESSE. II: [1431–1476]. Bearbeitet von G. von der Ropp. VII. Pp. 890. Leipzig: Duncker & Humblot. 4to. 30 m.

HEIGEL (K. von). König Ludwig II von Bayern: ein Beitrag zu seiner Lebensgeschichte. Pp. 387. Stuttgart: Bonz. 5 m.

KANNGIESSER (O.) Geschichte des Krieges von 1866. II. Pp. 344. Basel: Schweiz. Verlags-Druckerei. 6·50 f.

KOEHNE (C.) Das Hansgrafenamt: ein Beitrag zur Geschichte der Kaufmannsgenossenschaften und Behörden-Organisation. Pp. 318. Berlin: Gaertner. 7 m.

LEIST (F.) Der königlich bayerische Hausritterorden vom heiligen Hubertus. Pp. 89, with photograph. Bamberg: Buchner. 4to. 25 m.

LOSERTH (J.) Der Anabaptismus in Tirol von seinen Anfängen bis zum Tode Jakob Huter's [1526–1536], aus den hinterlassenen Papieren J. R. von Beck's. Pp. 178. Vienna: Tempsky. 3·50 m.

MAYER (H.) Geschichte der Universität Freiburg in Baden in der ersten Hälfte des neunzehnten Jahrhunderts. I: [1806–1818]. Pp. 100. Bonn: Hanstein. 2 m.

MENZEL (V.) Deutsches Gesandtschaftswesen im Mittelalter. Hanover: Hahn. 3·60 m.

MOLTKE (Helmold von). Gesammelte Schriften und Denkwürdigkeiten. VI, VII. Pp. 543, 164. Berlin: Mittler. 10 m. & 4 m.

MOLTKE's militärische Werke. II: Die Thätigkeit als Chef des Generalstabes der Armee im Frieden. 1: Moltke's taktische Aufgaben aus den Jahren 1858–1882. Pp. 173, maps, &c. Berlin: Mittler. 6 m.

MONUMENTA Germaniae historica. Scriptorum tomus XXIX. Pp. 647. Hanover: Hahn. Fol. 40 m.

—— Scriptorum qui vernacula lingua usi sunt tom. I, 1. Pp. 441, plate. Hanover: Hahn. 4to. 18 m.

MUCH (R.) Deutsche Stammsitze: ein Beitrag zur ältesten Geschichte Deutschlands. Halle: Niemeyer. 6 m.

POSEN.—Urkunden und Aktenstücke zur Geschichte der in der heutigen Provinz

Posen vereinigten ehemals polnischen Landesteile. Ed. by H. Ehrenberg. Leipzig: Veit. 20 m.

Rappoltsteinisches Urkundenbuch [759–1500]: Quellen zur Geschichte der ehemaligen Herrschaft Rappoltstein im Elsass, herausgegeben von K. Albrecht. II: [1364–1408]. Pp. 695. Colmar: Barth. 32 m.

Rezek (A.) Relatio progressus in extirpanda haeresi per regnum Bohemiae, marchionatum Moraviae, et ducatum utriusque Silesiae [1661–1678]; ed. by. Pp. 55. Prague: Rivnáč. 1 m.

Wolfram (L.) Heinrich Braun [1732–1792]. (Historische Abhandlungen aus dem Münchener Seminar. III.) Pp. 99. Bamberg: Buchner. 4 m.

C. GREAT BRITAIN AND IRELAND

Biography, Dictionary of National. Ed. by S. Lee. XXXIV: *Llywd—Maccartney*. London: Smith, Elder, & Co. 15/.

Blott (W.) A chronicle of Blemundsbury: a record of St. Giles' in the Fields and Bloomsbury. Maps. South Norwood: Blott. 4to. 21/.

Burrows (M.) Commentaries on the history of England from the earliest times to 1865. Pp. 533. Edinburgh: Blackwood. 7/6.

Committee for Compounding, &c., Calendar of the proceedings of the: [1643–1660]. V. Cases: Jan. 1654–Dec. 1659. With introd. and index. Ed. by Mary A. Everett Green. Pp. xlii, 3177–3828. London: H.M. Stationery Office. 15/.

Edmund's (St.) abbey, Memorials of. Ed. by T. Arnold. II. Pp. l, 400. London: Published under the direction of the master of the rolls. 10/.

Grant Duff (sir M. E.) Sir Henry Maine: a brief memoir. With some of his Indian speeches and minutes, ed. by Whitley Stokes. Pp. 452, portrait. London: Murray. 14/.

Green (John Richard). A short history of the English people. Illustrated edition, ed. by Mrs. J. R. Green & Miss K. Norgate. II. Pp. xxvii–liv, 469–931. London: Macmillan. 12/.

Hogan (J. F.) Robert Lowe, viscount Sherbrooke. Pp. 348. London: Ward & Downey. 7/6.

Humphreys (A. L.) Some sources of history for the Monmouth rebellion and the Bloody Assizes. Taunton: Barnicott & Pearce. 1/.

Jackson (T. G.) Wadham College, Oxford: its foundation, architecture and history, &c. Illustr. Oxford: Clarendon Press. 31/6.

Jenks (E.) The history of the doctrine of consideration in English law. Cambridge: University Press. 3/6.

Kendal.—A boke off recorde or register containing all the acts and doings in or concerning the corporation within the town of Kirkbiekendall [1575]. Ed. by R. S. Ferguson. (Publications of the Cumberland and Westmorland Antiquarian and Archæological Society. Extra Series. XI.) Pp. 438. Kendal: Wilson.

Lords, house of, Manuscripts of the, [1690–1691]. (Historical Manuscripts Commission. 13th report. Appendix. V.) London: H.M. Stationery Office. 2/4.

M'Crie (C. G.) The public worship of presbyterian Scotland historically treated. (Cunningham Lectures.) Edinburgh: Blackwood. 10/6.

Orielense, Registrum: an account of the members of Oriel College, Oxford. I. Collected and arranged by C. L. Shadwell. Pp. 442. London: Frowde. 16/.

Philippson (M.) Histoire du règne de Marie Stuart. III. Pp. 520. Paris: Bouillon. 10 f.

Privy Council, Acts of the. New series. V: [1554–1556]. Ed. by J. R. Dasent. Pp. xxxi, 429. London: H.M. Stationery Office. 10/.

Raine (J.) York. ('Historic Towns.') Pp. 223, map. London: Longman. 3/6.

Rowlands (the late rev. Daniel). The Fishguard invasion by the French [1797]: some passages taken from the diary of. Pp. 234, illustr. London: Unwin. 5/.

Selby, The coucher book of. I. To which is prefixed Historia Selebiensis monasterii. Ed. by J. T. Fowler. (Yorkshire Archæological and Topographical Association. Record Series. X.) Pp. xx, 54, xvi, 409. *S. l.*

Sergeant (L.) John Wyclif. Pp. 377, illustr. London: Putnam. 5/.

Smith (G. Barnett). History of the English parliament, together with an account of the parliaments of Scotland and Ireland. 2 vol. Pp. 1180. London: Ward, Lock, Bowden, & Co. 24/.

Stewart (R. M.) The church of Scotland from the time of queen Margaret to the reformation; with supplementary chapter dealing with ecclesiastical affairs to 1690. Pp. 402. Paisley: Gardner. 7/6.

D. ITALY

Celli (L.) Storia della sollevazione di Urbino contro il duca Guidobaldo II. Feltrio delle Rovere [1572–1574] da documenti inediti dell' archivio vaticano. Pp. 304. Turin: Roux. 4·50 l.

Forcella (V.) Iscrizioni delle chiese e degli altri edifici di Milano, dal secolo VIII ai giorni nostri. XI. Pp. 242. Milan: Prato.

Gregorio di Catino. Il regesto di Farfa.

pubblicato a cura di L. Gigli e V. Balzani. V. Pp. 331. Rome: Presso la sede della R. Società Romana di Storia Patria. Tab. 25 l.

Helfert (von). Memoiren, geheime. Des Freiherrn Giandriaceno von Crescenti Enthüllungen über den Hof von Neapel (1796–1815). Pp. 290. Vienna: Tempsky. 5·50 m.

Hodgkin (T.) Italy and her invaders. 2nd ed. 2 vol. Pp. 484, 672. maps, &c. Oxford: Clarendon Press. 42 s.

Manzoni (L.) Bibliografia storica municipale. I. Pp. xxx. 562. Bologna: Virano. 12 l.

Marchesi (V.) Sermoni sopra della storia politica di Venezia (1705–1866). Pp. 241. Turin: Loescher. 5·50 l.

Mirandville (H.) Journal de Jean le Fèvre, évêque de Chartres, chancelier des rois de Sicile Louis I et Louis II d'Anjou. I. Pp. 531. Paris: Picard. 7·50 f.

Muratori (L. A.) Lettere a Francesco Cromarelli di Correggio: con un cenno per C. Cornalvi. Pp. 85. Carpi: Guaitoli.

Padua.—Rotulus et matricula d.d. iuristarum et artistarum gymnasii Patavini [1502–1593]. Ed. B. Brugi et I. A. Andrich. Pp. 61. Padua: Gallina. 4to.

Perrens (F. T.) The history of Florence (1435–1531). Transl. by H. Lynch. I. London: Methuen. 12 6.

Perugia.—Documenti di storia perugina, ed. da A. Fabretti. II. Pp. 283. Turin: Tipi privati dell' Editore.

Rossi (A.) Francesco Guicciardini e il governo fiorentino (1527–1540). I. Pp. 68. Cagliari: Tip. dell' Avvenire di Sardegna.

Sarpi (Paolo). Lettere inedite a Simone Contarini, ambasciatore veneto in Roma (1615). Ed. C. Castellani. Pp. 99. Venice: Visentini. 4to.

Usseglio (L.) Bianca di Monferrato, duchessa di Savoia. Pp. 309. Turin: Bocca. 4 l.

Zanelli (A.) Brescia sotto la signoria di Filippo Maria Visconti (1421–1426). Pp. 67. Turin: Bocca.

E. OTHER COUNTRIES

Aarsbergen. Rechtsbronnen der stadt. Ed. by G. A. Verstermann van Oven. Pp. 368. The Hague: Nijhoff. 5·50 f.

Brandstetter (J. L.) Repertorium über die in Zeit- und Sammelschriften der Jahre 1812–1890 enthaltenen Aufsätze und Mitteilungen schweizergeschichtlichen Inhaltes. Pp. 467. Basel: Geering.

Brown (J. C.) People of Finland in archaic times: being sketches of them given in the Kalevala and in other national works. Pp. 276. London: Paul, Trench, Trübner, & Co. 5 s.

Colección de documentos inéditos para la historia de España por el marqués de la Fuensanta del Valle. CIV. Pp. 522. Madrid: Murillo. 4to.

De Potter (F.) et Broeckaert (J.) Geschiedenis van de gemeenten der provincie Oost-Vlaanderen. Vierde Reeks. XLVII: Wetteren. Pp. 287. Ghent: Hoste. 5 f.

Ditchfield (P. H.) The church in the Netherlands. Pp. 396, map. London: Gardiner, Darton, & Co. 6 s.

Gilliodts van Severen (L.) Recueil des anciennes coutumes de la Belgique. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées. V. Pp. 525. Brussels: Gobbaerts. 12 f.

Hetberg (I. L.) Et Liv gjenoplevet i Erindringen. III. IV: (1840–1856). Pp. 322, 448, portraits. Copenhagen.

Lagumina (B.) Catalogo delle monete arabe esistenti nella biblioteca comunale di Palermo. Pp. 257. Palermo.

Lindstedt (G.) Anteckningar om Gotlands medeltid. I. Pp. 112. Stockholm.

Mendia y Elejalde (S. de) Historia del condado de Ayala (Alava). Pp. 152. Vitoria: tip. Iturbe. 4to.

Morfill (W. R.) Poland. (The Story of the Nations.) London: Unwin. 5 s.

Müller (J. Georg & Johann von). Briefwechsel (1789–1809). Ed. by E. Haug. II: (1800–1809). Frauenfeld: Huber. 5 f.

Namèche (A. J.) Cours d'histoire nationale. VII. Pp. 200, 156. Louvain: Fonteyn. 4 f.

Poland.—Acta historica res gestas Poloniae illustrantia ab anno 1795. XII. Pp. 601–1105. Cracow: Buchhandlung der polnischen Verlags-Gesellschaft.

Pardo de Andrade (M.) Los guerrilleros gallegos de 1809: cartas y relaciones escritas por testigos oculares, publicadas en los años de 1809 y 1810. I. Pp. 234. Corunna: tip. de la Casa de Misericordia.

Pérez de Guzmán y Boza (J.), duque de T'Serclaes. Las historias é historiadores de Sevilla hasta fines del siglo XVIII. Pp. 63. Seville: Rasco. 4to.

Reusens (E.) Documents relatifs à l'histoire de l'université de Louvain (1425–1797). V: Collèges et pédagogies. III. Pp. 614. Louvain: Peeters. 10 f.

Rosham (H. F.) Peter Rerdam. II: (1844–1856). Copenhagen.

Saavedra (E.) Estudio sobre la invasión de los árabes en España. Pp. 159. Madrid: Imp. de El Progreso Editorial. 4to. 3 pes.

Sagarminaga (F. de). El gobierno y réginen foral del señorio de Vizcaya desde el reinado de Felipe II hasta la mayor edad de Isabel II. VII. Pp. 598. Madrid: Murillo. 4to. 12 pes.

(P.) Das wiederaufgefundene des ewigen Bündnisses Zürich und den vier Wald- 1 Mai 1351]. Pp. 18, plate. Höhr. 4to. 1·80 f.

chichte der schweizerischen tät. I. Pp. 1–280. Frauenfeld: 6 f.

eva colección de documentos para la historia de España y ndias. Ed. by F. de Zabálburu layón. I. Pp. 385. Madrid: ez. 4to. 13 pes.

.) Les communes luxembourV: L'arrondissement de Marche, par l'abbé De Leuze. Pp. 710. Arlon: Bruck. 13 f.

Utrecht.—Bullarium Trajectense. Romanorum pontificum diplomata quotquot olim usque ad Urbanum Papam VI (an. 1378) in veterem episcopatum Trajectensem destinati reperiuntur. Ed. by G. Brom. I. (Complete.) Pp. 480. The Hague: Nijhoff. 4to.

Waliszewski (K.) Le roman d'une impératrice: Catherine II de Russie, d'après ses mémoires, sa correspondance, et les documents inédits des archives d'état. Pp. 618, portrait. Paris: Plon.

VI. AMERICAN AND COLONIAL HISTORY

(Pietro Martir). Fuentes hisobre Colon y América. Transl. Asensio. IV. Pp. 479. Maurillo. 6 pes.

V.) Cristobal Colon. Pp. 253. tip. de El Progreso Editorial.

Rózpide (R.) Descubrimiento eanía por los Españoles. Pp. drid: Rivadeneyra. 4to.

J. G.) Historical and descripount of the island of Cape Pp. 176, maps and illustr. l: Foster Brown. 4to.

Estudios críticos acerca de nación española en América. dustrias mecánicas. Pp. 400. Ruiz de Castroviejo. 3·50

A.) Descubrimiento y conquista e. Pp. 93. Madrid: Rivade4to.

Historia del Nuevo Mundo. Pp. 467, 350. Seville: Rasco.

C.) Life of Abraham Lincoln. New York.

Bibliografía. Enumeración y documentos concernientes á l Colón y sus viajes. Pp. 686. Fortanet. Fol.

(Christopher). Epistola de noviter repertis. Photo-litho- an edition, printed in Paris 493, of the Latin transl. of ote by E. W. B. Nicholson. Quaritch. 1/.

.) Amerika: die Geschichte ntdeckung von der ältesten bis ieueste Zeit. 2 vol. Pp. 532. Abel & Müller. 4to. 12 m.

(J. J.) Biblioteca histórica I: Historia de las islas del Poniente llamadas Filipinas. Pp. 1012. Manilla: Atayde. 4to.

Forkema (A.) Bijdragen tot de Nederlandsche rechtsgeschiedenis. III. Pp. 176. Haarlem.

Gräbner (A. L.) Geschichte der lutherischen Kirche in America. I. Pp. 726. St. Louis, Missouri. (Dresden: Naumann).

Ibarra y Rodriguez (E.) Don Fernando el Católico y el descubrimiento de América. Pp. 203. Madrid: Fortanet.

Kretschmer (K.) Die Entdeckung Amerika's in ihrer Bedeutung für die Geschichte des Weltbildes. Pp. 471, 40 plates. Berlin: Kühl. Fol. 60 m.

Massachusetts Bay, Province of the: Acts and resolves, public and private. VII. (Appendix, II.): Resolves, &c. [1692–1702]. Pp. 851. Boston: Wright & Potter.

México, Nueva coleccion de documentos para la historia de, publicada por J. G. Icazbalceta. IV, V. Pp. 280, 280. Mexico: Díaz de León. 4to. 31 pes.

Montero Barrantes (F.) Elementos de historia de Costa Rica. Pp. 360. San José de Costa Rica: tip. Nacional. 4to. 6 pes.

Parkes (sir H.) Fifty years in the making of Australian history. 2 vol. Pp. 780, portrait. London: Longmans. 32/.

Perez de Guzmán (J.) Descubrimiento y empresas de los Españoles en la Patagonia. Pp. 44. Madrid: Rivadeneyra. 4to.

Rhodes (J. F.) History of the United States from the compromise of 1850. 2 vol. Pp. 1040. London: Macmillan. 21/.

Uzielli (G.) Paolo del Pozzo Toscanelli iniziatore della scoperta d' America. Pp. 247, plates. Florence. 16mo.

Contents of Periodical Publications

I. FRANCE

Annales de l'Ecole Libre des Sciences Politiques, vii. 4. *October*—PAYEN: *The neutralisation of Switzerland* [tracing the beginning of the Swiss policy of neutrality back to 1516, narrating its formal recognition by the declaration of 20 Nov. 1815, and discussing the position of Switzerland with regard to the neutrality of Savoy].——S. DE LA RUPELLE: *The French war finances* [1796-1815; on the sources from which Napoleon filled his special war treasury, and the manner in which it was employed].——MASURE: *The recognition of the monarchy of July* [sketching the situation of France with reference to the powers of Europe at the beginning of 1830, and the first effects produced by the overthrow of Charles X].——G. ALIX: *F. Leplay and his system* [a review of M. Auburtin's recent book on this economist].——viii. 1. *January*—S. DE LA RUPELLE: *The French war finances* [1796–1815], continued [on the application of the Napoleonic financial system in Germany, especially in Prussia and the kingdom of Westphalia].——P. FAUCHILLE: *Portugal and the first armed neutrality* [a portion of a forthcoming work on French diplomacy and the league of neutrals, 1780–1783, containing an account of the process by which Portugal was detached from England and led to sign a convention of neutrality with Russia, 13 July 1782, like those concluded in 1780 by Denmark and Sweden].——MASURE: *The recognition of the monarchy of July*, concluded [tracing the steps of the process by which the recognition of Louis Philippe's government was obtained from the different European powers. The author has had access to unpublished papers in the possession of the families of baron de Barante and others].——M. DEBRIT: *The neutralisation of Switzerland* [in criticism of the article by M. Payen in the preceding number].——*Parliamentary and legislative chronicle* [summarising the legislation &c. of the preceding year in Italy and the United States—a new feature in the 'Annales'].

Bibliothèque de l'Ecole des Chartes, liii. 4–6. *July–Dec.*—H. OMONT: *List of manuscripts acquired by the Bibliothèque Nationale* [1891–1892].——J. M. RICHARD: *Thierry d'Hireçon* [1302–1328], *bishop of Arras, and the management of estates in the fourteenth century* [methods of farming, stock, prices, wages, &c.; with lists of local measures and prices, and inventories]; two articles.——N. VALOIS: *A German embassy at Paris in* 1381 [from Wenceslas; showing the statement of the monk of St. Denys, that the kings of Hungary and Castile sent an embassy at this date for the purpose of winning over Charles VI to the acknowledgement of Urban VI, to be an error; the sovereigns in fact being those of Hungary and Bohemia (the king of the Romans)].——P. M. PERRET prints the *speech of Angelo Acciajuoli made on behalf of the Florentines before Charles VII* [on his third mission, in 1453].——L. AUVRAY describes the *original manuscript of the chronicle of St. Sergius at Angers* [recently discovered among queen Christina's manuscripts at the Vatican, and containing, besides the chronicle of Bechin and his continuators (to 1180), the separate chronicle of St. Sergius, 1067–1153, written by the same hand as that of the first continuator].——H. O. prints a *fragment of a Latin-Greek glossary of the eleventh century*.——E. JARRY: *The armed resistance to Urban VI, and the French alliance with Milan* [1386–1395], second article; concluded [with the texts of the treaties of 1393 and 27 Dec. 1394].——H. MORANVILLÉ: *The treason of Jean de Vervins* [who intrigued in 1347 to hand over Laon to the English; with a document throwing light on his antecedents].

La Révolution Française, xxiv. 1. *January*—F. A. AULARD: *Auguste Comte and the French revolution* [with special reference to Danton].——A. DOUARCHE:

The administration of justice at Agen during the revolution.——E. Charavay prints an *appeal to the Jews to undertake the provisioning of Paris* [8 June 1795].——A. Brette prints a *contemporary narrative of the events of 25 June–4 July* 1789.

Revue Critique d'Histoire et de Littérature, 1892. 52. 26 *Dec.*—Clermont-Ganneau: *Euting's 'Sinaitic Inscriptions.'*==**1893. 4.** 23 *Jan.*—Funck-Brentano: *Flammermont on the taking of the Bastille.*==**9.** 27 *Feb.*—J. Flammermont: *Reply* to this, with comments by Funck-Brentano. ==**11.** 13 *March.*—A. Barth: *Cordier's edition of Odoric de Pordenone's travels in Asia.*

Revue des Etudes Juives, No. 49. *July*—S. Kahn: *Thomas Platter and the Jews of Avignon* [notes, from a manuscript at Montpellier, by Felix and Thomas Platter of Basel, written at Montpellier between 1552 and 1599].

Revue Historique, li. 1. *January*—H. Houssaye: *Napoleon I in the isle of Elba* [his life there, and the causes of his return].——X. Mossmann: *The French in Alsace after the peace of Westphalia*; first article [the legal position of the towns of Hagenau].——H. Harrisse: *Recently discovered autographs of Columbus* [published by the duchess of Berwick and Alba].——A. Waddington: *The authorship of the 'Vindiciae contra tyrannos'* [bringing a new piece of evidence in favour of Du Plessis-Mornay as against Languet].——Baron A. du Casse prints the *journal, including correspondence, of queen Catherine of Württemberg*, continued [13 April–5 July 1818].

Revue d'Histoire Diplomatique, vi. 4.—G. Syveton: *A plan for the dismemberment of France* [concerted by Lord Stair, the English ambassador at Paris, in February 1716, and the agent of Victor Amadeus of Savoy, and communicated by them to the ambassador of the emperor].——Comte de Moustier: *The United States after the war of independence* [extracts from the despatches of the Comte de Moustier, 1788–1789, containing an account of Washington's installation as president].——S. Antonopoulos: *The 'Société philanthropique en faveur des Grecs'* [founded by French Philhellenes in 1825].——Funck-Brentano: *The law of nations and diplomatic immunities in the eighteenth century, as illustrated by the archives of the Bastille.*——Stoerk: *The protestant bishopric of Jerusalem* [printing the documents relative to its foundation in 1840 by Frederick William IV of Prussia, the agreement made between England and Russia respecting it in 1841, and the note relative to the rescission of the agreement in 1886].——R. de Maulde: *Diplomatic instructions in the middle ages* [classifying and defining the different kinds of instructions, with special reference to the usage of the fifteenth and sixteenth centuries].

Revue des Questions Historiques, liii. 1. *January*—G. Kurth: *The epic and history* [mainly on the legends of Frankish history].——A. d'Herbomez: *The annexation of Mortagne by Philip the Fair* [1314].——A. de Gannier: *The French army at the beginning of the revolution* [its composition, training in tactics, and arms; in connexion with the centenary of the battle of Valmy].——V. Pierre: *The monuments of the French revolution* [records of slaughter at Lyons, Orange and Laplane, Angers, Laval, and elsewhere: public monuments and their vicissitudes].——H. Beaune: *The case of the Jesuits in France in* 1845.——E. Vacandard: *The church and the ordeal in the twelfth century* [tracing the growth of opinion adverse to the practice].——P. Pierling: *Leo X and Basil III; and the schemes of a league against the Turks* [1513–1520].——E. G. Ledos: *Ernest Renan.*

Société de l'Histoire du Protestantisme Français. Bulletin historique et littéraire, **xli. 11.** *December*—E. Picot describes *French plays touching on religious controversy* [*c.* 1540–1552].——A. J. Enschedé: *The French church at Celle in Brunswick.*——A. Lods: *Bibliography of works relating to the edict of tolerance* [1750–1789], continued from vol. xxxvii.==**xlii. 1.** *January*—C. Garrisson: *The antecedents of the revocation at Montauban* [1659–1661; with views of the buildings of the protestant academy there and of that at Puy-Laurens, to which the former was removed in 1659. A petition of 1668 is printed].——N. Weiss prints a *narrative of Agrippa d'Aubigné's last illness and death* [1630] by his widow; and a *memoir on the condition of protestantism in France* [1825].

II. GERMANY AND AUSTRIA

Bayerische Akademie der Wissenschaften (Munich), Sitzungsberichte der philos.-philol. und hist. Classe **1892.** iii.—J. Friedrich: *On a letter of Anastasius Bibliothecarius to bishop Gauderic of Velletri relating to the composition of the 'Vita cum translatione s. Clementis papae'* [printing a hitherto unpublished letter, which was written between 875 and 879. It mentions three works

written in Greek, but without his name, by Constantine (Cyril), the apostle of the Slavs, on the discovery of the remains of St. Clement. Two of these Anastasius here translates to serve as materials for the Life by Gauderic, which forms the substance of the work printed in a later redaction by the Bollandists].—H. Simonsfeld describes *fragments of formularies* [chiefly of the thirteenth century] *at Munich* [printing the texts of many of the formulae.]

Byzantinische Zeitschrift (Leipzig), **i. 2.**—S. P. Lambros: *Byzantine desiderata* [the publication of a new edition of the historians and other writers, lives of saints, documents, inscriptions, &c.; detailed works on chronology, geography, and institutions. Special wants are indicated].—T. Büttner-Wobst: *On the history of the text of Zonaras* [with a list of manuscripts].—H. Gelzer: *Unpublished and little known lists of bishops of the eastern church* [printing five lists with a commentary].—C. Frick: *The relation between the Fasti Idatiani and the Chronicon Paschale* [contesting T. Mommsen's view that their common (Latin) original was a chronicle of a larger compass].—A. Ludwich: *On two manuscripts of the sixteenth century at Paris written by Jacobos Diassorinos* [illustrating his treatment of texts].—A. Kirpitschnikow: *A popular chronicle of the emperors* [contained in a sixteenth-century manuscript at Constantinople, and falsely ascribed to Damascenos Studites: with extracts.]—K. Jireček prints a *document relating to Corfù* [1238–1240].

Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **viii. 2.**—O. Heuer: *The electoral meeting at Bingen* [agreeing with T. Lindner that the second text (RTA. 295) of the act dated 17 January 1424 belongs to a later time, but fixing this not to the Frankfort diet of 1427 but to the Mainz meeting of July 1424].—R. Krumbholz: *The finances of the Teutonic Order under the influence of the Polish policy of grand-master Michael Küchmeister* [1414–1422].—O. Weber: *The peace of Rastadt* [1714, dealing with the negotiations in the interval after the peace of Utrecht, partly from despatches in the archives at Vienna].—W. Fischer: *Recent works on Byzantine history.*—F. Liebermann: Survey of *publications of* 1890–1892 *relating to English history* [1272–1485], with a *bibliography of works on the local history of the British Isles.*—O. Masslow & G. Sommerfeldt: *Bibliography of German history.*

Göttingische Gelehrte Anzeigen, 1892. 25. *December* 10.—F. Frensdorff: *Johan Oldecop's chronicle* [of the sixteenth century; written in the decad before 1573].—**1893. 2.** *January* 15.—A. Hauck: *Sackur's 'Die Cluniacenser.'*—A. Holtzmann: *Sohm's 'Kirchenrecht,'* i.—A. Jülicher: *Dräseke's 'Apollinarios von Laodicea.'*—T. Kolde: *Paulus' life of Johannes Hoffmeister.*—**6.** *March* 15.—T. Nöldeke: *Works on Abyssinian history.*—C. Schmidt: *Schwarze's 'Aeussere Entwicklung der afrikanischen Kirche.'*

Historisches Jahrbuch (Munich), **xiv. 1.**—J. Schlecht: *Pius IV's secret brief of dispensation* [10 Dec. 1561] *for the Roman coronation of Maximilian II* [permitting him, under conditions, to be communicated with the cup, only 'quam secretissime fieri possit'], with other documents.—A. Gottlob: *The accounts of expenses of Eugenius IV,* illustrating the history of the council of Florence; with extracts.—K. Hoeber: *On the legend of the emperor* [showing that the popular story connecting Frederick I with the Kyffhäuser (as distinguished from the older one relating to Frederick II) can be traced back to 1798.]—H. J. Wurm: *The date of Marsilius of Padua's death* [certainly before 1343, if not before 1338].—A. Meister: *The nunciature at Naples in the sixteenth century.*—A. Schröder: *Otmar Nachtgall* [Luscinius; chiefly concerned with his relations towards religious reform].

Historische Zeitschrift (Munich), **lxix. 3.**—A. Holländer: *The mission to the French court from Zürich, Bern, Basel, and Schaffhausen* [1557, in support of the Waldenses of Piedmont, described from a narrative, full of interesting notices of places and persons, written by Ludwig Oechsli, one of the envoys, and preserved in manuscript at Zürich.]—T. Wiedemann: *The treaty of Nymphenburg* [22 May 1741, maintaining the document to be a forgery, probably the work of a man in Valory's chancery].—M. L. prints *documents on the question of universal military service in Prussia* [1810].

Magazin für die Wissenschaft des Judenthums (Berlin), **1892. 3, 4.**—M. Rosenmann: *On the private life of the Spanish Jews in the fifteenth century.*—S. Kraus: *On the Roman garrisons in Palestine.*

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xiv. 1.**—S. Steinherz: *The collection of the tithes ordered by the council of Lyons* [1274] *in the archbishopric of Salzburg* [1282–1285, illustrating the currency of the time; with tables of the coins in use, their weight, fineness, and frequency, a list of payments, and a series of accounts printed in full].—E. Winkelmann prints *eighteen unpublished documents*

and letters relating to the history of the empire in the thirteenth century [grants, &c., of Frederick II, bulls of Innocent IV, Alexander IV, and Clement IV; and other documents].——K. Uhlirz describes the *Wappenbuch of the city of Vienna* [1627–1736].——J. See-müller prints from the Admont manuscript of Ottokar's chronicle *genealogical notices concerning the history of the house of Habsburg* [1272–1424].——H. V. Sauerland prints the *dukes of Austria's credentials for their ambassadors to Urban VI* [1387].——F. Philippi describes a *golden bull of Pius VI* [27 Sept. 1780].

Nachrichten von der Königlichen Gesellschaft der Wissenschaften zu Göttingen, 1892. 14.—W. Meyer: *The Göttingen manuscript of Thomas Basin's history of Charles VII and Louis XI* [written after the middle of 1484 and containing corrections and additions which are maintained to be in the author's handwriting. An examination follows of its relation to the later redaction of the work represented by Quicherat's edition].==**15.**—F. Krebs: *Greek inscriptions from Egypt.* ==**16.**—H. Wagner: *The third map of the world of Peter Apian* [1530] *and that of* 1551 *falsely attributed to him.* ==**1893. 1.**—W. Meyer: *The history of the dominion of the Incas by Pedro Sarmiento de Gamboa* [1572], preserved in manuscript at Göttingen.

Theologische Quartalschrift (Tübingen), **lxxv. 1.**—P. Schanz: *On the history of modern protestant theology in Germany.*——F. A. Henle: *Philippi and the Philippian community.*——F. X. Funk: *The Apostolical Constitutions*, II [discussing criticisms].

Theologische Studien und Kritiken (Gotha). **1893. 1.**—L. Seesemann: *The Nicolaitans.*——N. Müller: *Konrad* [Koch or Coci, known as] *Wimpina* [from Wimpfen, possibly the seat of his family] *a Buchen* or *a Fagis* [from his birthplace in Odenwald; born before 1465, died 1531: notices of his life, with documents].——The late M. Bajorath: *Jean de Labadie and Zinzendorf, and their religious communities.*==**2.** J. Dräseke: *On the works 'Against the Hellenes' and 'On the incarnation of the Logos' falsely ascribed to St. Athanasius.*——H. Cremer: *The influence of the principles of German criminal law on St. Anselm's doctrine of the Atonement.*

Zeitschrift der Deutschen Morgenländischen Gesellschaft (Leipzig), **xlvii. 3.**—J. Jolly: *Contributions to the history of Indian law.*——G. Rösch: *The names of the Arabian prophet* [Muhammed theoretically combined with Ahmed for the purposes of his mission].——G. van Vloten: *Late Omeyyad coins* [A.H. 127–135].——R. Gottheil prints *Syriac extracts attributed to Apollonius of Tyana*, with a translation.

Zeitschrift für Kirchengeschichte (Gotha), **xiii. 4.**—*January*—H. Virck: *The consultations of the protestants concerning Paul III's bull for the summons of a council* [4 June 1536], with documents.——O. Seebass: *On the so-called 'Instructiones Columbanae'* [not by the younger Columba, but probably all but two by Faustus of Reii].——P. Gennrich: *On the chronology of John of Salisbury's life* [maintaining that he returned to England after the council of Rheims in 1148, as against Pauli's contention that he was in the service of pope Eugenius III until the latter's death in 1153].

Zeitschrift für Wissenschaftliche Theologie (Jena), **xxxvi. 4.**—A. Hilgenfeld: *The Gospel of Peter* [printing the text with a commentary].——F. Görres: *Contributions to the church history of the Vandal kingdom.* I: The miracle of Tipasa. II: Bishop Fulgentius of Ruspe.

III. GREAT BRITAIN AND IRELAND

Church Quarterly Review, No. 70. *January—The use of the sign of the cross in Christian ceremonial* [tracing the history of the practice of extending the arms in manner of a cross from the Didache downwards].—— *Pastor's 'History of the Popes.'*——*Nicholas Ferrar and Little Gidding.*

Contemporary Review. *March*—T. A. Archer: *Mr. Freeman and the 'Quarterly Review'* [defending the account of the battle of Hastings given in the 'Norman Conquest'].

Dublin Review, New Series, **No. 5.** *January*—C. van den Biesen: *The authorship and composition of the Hexateuch*, second article.—— A. Allaria: *English scholars at Bologna* [chiefly from the necrology in Trombelli's 'Memorie storiche'].——G. B. Lancaster-Woodburne: *The friars in Oxford* [an article disfigured by grave mistakes].—— W. Amherst: *The minute-book of the Cisalpine Club* [1792–1794].

Edinburgh Review, No. 363. *January—Pilgrimages to the Holy Land* [from the fourth to the thirteenth century].——*Sir James Ramsay's 'Lancaster and York.'*——*The Dropmore papers* [largely concerned with the history of the family of Pitt].——*The life and works of John Arbuthnot.*——*The alchemists of Egypt and Greece* [in con-

nexion with publications of C. Leemans and M. Berthelot].

Folk-Lore, iii. 4. *December*—Whitley Stokes: *The Bodleian Dinnshenchas*; medieval Irish topographical legends, edited, translated, and annotated, for the first time [the manuscript was written *c.* 1400].

Jewish Quarterly Review, No. 18. *January*—A. Neubauer: *Ernest Renan* [† 1 Oct. 1892].——M. D. Davis: *Isaac of Hurford* [mentioned in the Tosaphoth (or glosses on the Babylonian Talmud, mostly by French, but also by some English, rabbis) and connected by the writer, not with Erfurt or Hereford, but with Hurford, an outlying hamlet of Norwich].

Quarterly Review, No. 351. *January*—Bishop Lightfoot [† 1889].——*Israel* [on Graetz's 'History of the Jews'].——*A scholar and traveller of the renaissance* [Nicolas Kleynarts, or Clenardus, 1495-1542].——*The native states of India.*

Scottish Review, No. 41. *January*—T. G. Law: *Biblical studies in the middle ages.*——J. H. Crawford: *Fifeshire.*——W. Donaldson: *Simon Fraser, lord Lovat* [† 1747].——F. Legge: *The origin of the medieval belief in witchcraft* [Asiatic].——A. H. Millar: *The wedding-tour of James VI in Norway* [1589, from a contemporary account at Christiana].——J. Beddoe: *The anthropological history of Europe*, IV.

IV. ITALY

Archivio Storico Italiano (Florence), **5th Series. x. 2.**—G. Salvemini prints the Florentine *ordinances of justice of 6 July* 1295 [representing the reaction against the ordinances of 1293.]——L. Ticciati: *On the state of agriculture in Cortona in the thirteenth century*, with documents [1272-1276].——C. Errera prints an account [from Andrea Bernardi's unpublished chronicle] of *Lucrezia Borgia's journey through Forlì as the betrothed of Alfonso of Este* [1502].——V. Minuti prints a *report on the city and government of Pistoia and its territory* addressed to Cosimo I, grand duke of Tuscany [1569].——L. Zdekauer: *On the manuscripts of the 'Istorie Pistolesi'* [enlarged from an article in the 'Deutsche Zeitschr. für Gesch.-Wiss.' vii.]——C. Mazzi: *Lucas Holstein at Siena* [1641].——D. Marzi: *Notes on Tuscan archives*: Rocca S. Casciano, Premilcuore, Galeata.

Archivio Storico Lombardo (Milan), **xix. 4.** *December.*—F. Calvi prints the *Ordines consortii domus misericordie Mediolani* [the Pio Luogo della Misericordia, founded in 1368-1374. The ordinances run from 1422 to 1476, and are contained in a manuscript of the fifteenth century; to which are subjoined lists of officers, 1403-1765.]——F. Gaudino: *Marco Foscarini and his embassy at Vienna* [1732-1735].——P. Ghinzoni prints *reports on the state of political feeling in the duchy of Milan* [made by Antonio Vajlati for Francesco Sforza in 1461].——L. Frati prints *the Pater noster of Mantua* [a parody dealing with the politics of 1701].——G. Pagani: *The old Milanese corporations of arts and mysteries* [their antiquity, number, statutes, former importance, and suppression in the eighteenth century.]——*List of Lombard students in the university of Ferrara* [1418-1494].——*List of Germans at Milan* [1384-1494].——*Calendar of documents relating to Pavia* [1456-1482] *in the archives at Massa.*

Archivio Storico per le Province Napoletane, xvii. 4.—E. Nunziante: *The first years of Ferdinand of Aragon and the invasion of John of Anjou*, third article, with a document [1458].——M. Schipa: *The duchy of Naples*, fourth article: The resistance to the Frankish empire and to the papacy [864-877].——B. Maresca: *The Neapolitan sailors in the expedition against Algiers* [1784], from a contemporary diary.——B. Capasso: *The topography of Naples in the eleventh century*; fourth article: The religious houses.

Archivio della R. Società Romana di Storia Patria, xv. 1, 2.—C. Calisse: *The administration of the patrimony of St. Peter in Tuscany in the fourteenth century.*——B. Fontana prints 63 *documents from the Vatican archives relating to the suppression of Lutheranism in Italy* [12 January 1524 to 5 January 1538].——G. Tomassetti: *On the Roman Campagna* [a topographical study], continued from vol. xiv.——E. Rodocanachi prints the *statutes of the confraternity or university of coachmen at Rome* [1565].——E. Celani: *Calendar of charters in the Sforza-Cesarini archives* [1052-1499].——M. Pelaez: *The visions of S. Francesca Romana*, continued from vol. xiv. and concluded [with grammatical notes and a glossary.]——J. Guiraud prints a *bull of Urban IV* [12 February 1262] *for the abbey of Farfa, and another document relating to the monastery* [1278].

Archivio Storico Siciliano (Palermo). New Series. **xvii. 2.**—A. Guarneri prints the *accounts of the duke of Terranova* [1773-1774; illustrating the management of estates, with some curious entries, *e.g.* of a bribe to a judge].

—S. Salomone-Marino: *The French revolution of* 1789 *in Sicilian popular songs*, with specimens.

Nuovo Archivio Veneto, iv.1.—B. Morsolin: *New particulars relating to the council of Vicenza*, with documents [1538–1539.]——C. Cipolla: *List of books published in* 1891 *on Italian history of the fourteenth and fifteenth centuries*, continued.——G. Sommi Picenardi: *The grand priory of the order of Jerusalem at Venice*; its church and monuments [with a list of the grand priors from 1282].——E. Piva: *A plot formed against Ludovico Sforza by his brother Ascanio, Roberto di Sanseverino, the pope, and the Venetians* for the restoration of the duchess Bona and her young son to power; with documents.——2.—I. Raulich: *The dispute between Sixtus V and Venice* relating to the recognition of Henry IV's ambassador De Messe, and to the reception of the duke of Luxembourg [chiefly from the despatches of Badoer and Donato from Rome].——C. Cipolla prints *an extract from the 'Cronaca Veronese' of G. B. Avaccio on the murder of Mastino della Scala; and the discussion of this murder as a legal case in the treatise 'de Maleficiis' of Alberto da Gandino.*

Rivista Storica Italiana (Turin), **ix. 4.**—E. Tolomei: *The nunciature at Venice during the pontificate of Clement VII*, from materials in the Vatican archives

V. THE NETHERLANDS

Archief voor Nederlandsche Kerkgeschiedenis (The Hague), **iv. 1.**—J. G. R. Acquoy: *The Psalms in the Dutch reformed church.*——J. M. Wüstenhoff: *Sermons of Johannes Brugman* [from a Ghent manuscript of 1476].

Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde (The Hague), **3rd series. vii. 2.**—R. Fruin prints the *Latin original of 'Les cruels et horribles tormens de Balthazar Gerard,'* from a manuscript in the Vallicellian library at Rome.——The late F. G. Slothouwer: *The recognition of the United States of America by the republic of the United Provinces* [1782].——G. Slothouwer: *The decline of the Netherlands* [dealing with the period of the war of the Spanish succession].—R. Fruin: *The authorship of the 'Description de l'estat et occurrences aduenues au Pays Bas au faict de la religion'* [arguing for Jacob Van Wesenbeke, not Marnix].

Bulletin de la Commission de l'Histoire des Eglises Wallonnes (The Hague), **v. 4.**—P. J. Buyskes prints extracts from the *correspondence of the ambassadors of the United Provinces at the French court* [1680–1725; third part [chiefly memorials of refugees], with index.

VI. RUSSIA

(Communicated by W. R. Morfill)

Istoricheski Viestnik.—*December* — Prince Imeritinski: *Recollections of count M. Muraviev* [giving details of the last Polish insurrection].——A. Mertsalov: *An excursion into the history of the time of troubles* [on the False Demetrius and Boris Godunov].——A. Jagmin: *Recollections of a Polish insurrectionist in* 1863 [concluded].——M. Ladvinski: *The grand duchess Maria Feodorovna* [wife of the emperor Paul, 1759–1796].——*February*—S. Trubachev: *The chronicle of the emancipation of the serfs.*——E. Willis: *The death of Gustavus III* [of Sweden, with many details].

Russkaia Starina.—*December*—V. Bilbasov: *New facts from the papal archives, concerning Yuri Krizhanich* [the first Panslavist of the seventeenth century].——A. Seeland: *Recollections of the Polish insurrection of* 1830–1831, concluded.——*January* — V. Bilbasov: *Count Beauvollier's memoirs of the year* 1812.——*January-February*—D. Anuchin: *Count Feodor Berg, the Polish viceroy* [with recollections of the last insurrection].——V. Bilbasov: *Italy and Russia in the sixteenth century.*——A. Brocker: *Life of count Feodor Rostopchin* [the hero of Moscow].——*Correspondence between count Rostopchin and Alexander I.*——N. Bogdanovski: *Recollections of the Hungarian and Crimean campaigns.*——*February*—V. Bilbasov: *Catherine II and Grimm.*——N. Tsurikov: *Baron Stein in Russia in* 1812.

Zhurnal Ministerstva Narodnago Prosviestchenia.—*December–January* — J. Kaufmann: *The English national debt from* 1688 *to the present time.*——V. Alexandrenko: *The Russian students at Oxford in the reign of Catherine II* [an interesting page in the annals of the university].——*December–February*—G. Forsten: *The Baltic question in the sixteenth and seventeenth centuries.*—— G. Vasilevski: *Irene* [wife of Isaac Comnenus, a discussion of the title σεβαστοκρατόρισσα].——L. Petrov: *The letter of Anastasius the Librarian* [contributions to the history of SS. Cyril and Methodius].——*February*—D. Nikolski: *The origin of the system of armed neutrality.*

VII. SWITZERLAND

Anzeiger für Schweizerische Geschichte (Bern), **1893**, 1, 2.—G. MEYER VON KNONAU: *On the migration of the Lötscher into the Bernese Oberland.*—— KÜCHLER: *The Eidgenossenjahrzeit* [tracing the commemoration back to the fifteenth century].—— T. VON LIEBENAU: *Foreign relations towards the first Villmergen war* [printing documents showing the support given to the Roman catholic districts by the emperor and the duke of Savoy, 1656].——Dr. LUGINBÜHL: *Fresh correspondence of Philipp Stapfer and Paul Usteri* [1811-1830].

Jahrbuch für Schweizerische Geschichte (Zürich), **xvii.**—J. J. AMIET: *On the early history of printing* [showing, among other things, that Michael Wensler printed at Basel before 12 Oct. 1464].——H. WEBER: *The obligations of mutual assistance of the Thirteen Districts* [a systematic treatise expounding the various ways in which the members of the League were bound to support one another from the thirteenth century downwards].

VIII. SPAIN

Boletin de la Real Academia de la Historia, xxi. 6. *December*—A. DE ALTOLAGUIRRE adduces *proofs against a visit of Columbus to Portugal previous to* 1476.——F. FITA prints documents relating to the *admission of Ferdinand of Gonzaga, marquis of Castiglione, to the order of Alcantara.*===**xxii. 1.** *January*—L. J. DE LA LLAVE contributes a *document* [13 Nov. 1300] *describing the foundation of the Hermandad between Toledo and Talavera for the suppression of brigandage* [apart from the inhabitants of the two towns the duty is imposed upon shepherds of other districts pasturing within their territories, under pain of expulsion].

IX. UNITED STATES OF AMERICA

Johns Hopkins' University Studies in Historical and Political Science (Baltimore), **x. 10, 11.**—H. B. ADAMS & H. WOOD: *Columbus and his discovery of America.*===**12.**—J. A. WOODBURN: *The causes of the American revolution.* ===**xi. 2.**—E. K. ALDEN: *The world's legislative assemblies of to-day*: a study in comparative legislation.

Magazine of American History (New York). —*December*—R. DILLARD: *A declaration of independence* [by the vestry of St. Paul's Edenton, North Carolina, 19 June 1776].——Judge W. CLARK: *General W. R. Davie* [1756-1820].—— General M. READ: *The Hon. F. A. Stout* [† 1892].===*January*—E. F. DE LANCEY: *The Columbian celebration in* 1792.——E. J. STEVENSON: *The story of Castine, Maine* [from *c.* 1604].

Sewanee Review (Tennessee), **i. 1.** *November—Theodore of Canterbury.*—— *Early piracy and colonial commerce* [chiefly from Carolina materials].

THE ENGLISH

HISTORICAL REVIEW

NO. XXXI.—JULY 1893

Legal Execution and Land Tenure

IN reading a few of the recent continental contributions to the history of Teutonic law, notably the admirable works of Herren Brunner, Schröder, and Sohm in Germany, and of MM. Viollet and Esmein in France, I have been struck by a train of thought which these writers suggest, but of which they hardly seem to realise the full importance. They tell us that *Immobiliarexekution, i.e.* the right of a claimant to enforce his claim against the land of a debtor or delinquent, is unknown to the earliest stages of legal history, and they suggest, with almost conclusive force, that the reason for the deficiency lies in the fact that landed property, that is to say, private ownership of land, is unknown at the period of which they speak. This is a most interesting fact, if fact it be; but how much more interesting if looked at through the other end of the telescope! *Immobiliarexekution* only makes its appearance in a tardy and hesitating way, because private property in land is similarly a late and cautiously developed institution. If this be so, can we not, by tracing the history of *Immobiliarexekution*, arrive at some results concerning the much obscurer and more hotly debated subject of the history of private ownership of land in Teutonic Europe?

At the present time, speaking generally, a claimant, who has by legal proceedings established his claim, is entitled to the assistance of the executive—the *manus militaris*, as the Romans would have called it—in making that claim productive. In most countries he can insist on a sale or delivery of his debtor's chattels and land, and, if this process be not adequate, imprisonment of the debtor's person. This position represents, of course, a very late stage in the history of law. Historically a claimant's first

resort was against the body of his debtor, for the simple reason that the earliest claims arose out of *delict* or wrong, as distinguished from contract (then unknown). The notion of the claim was vengeance, not restitution. It is not impossible that the whole theory of legal proceedings against chattels came in through the doctrine of theft. It is tolerably certain that the earliest contracts were introduced as a mitigation of the law of revenge.

This is the kind of contract which we meet with in the infancy of Teutonic law, and through it the notion of execution against the property of a defaulter seems to have made its appearance. The defendant, against whom a claim has been brought for some wrong, has been unable to pay the compensation or *wergeld*. Thereupon the plaintiff has accepted either from the original defendant or from a surety, a promise (*fides facta*) to satisfy the claim at a future day. No doubt the acceptance of the promise was originally a pure act of grace on the part of the plaintiff; but there were special reasons why he should be gracious.

This is the point at which the *Lex Salica* takes up the subject of execution. The passage is redolent of the early days in which not only execution proceedings, but the whole of what we now understand by litigation, were in their infancy, just emerging from the primitive condition of the blood-feud. If the debtor fails, after repeated formal summons, to meet his promise, proceedings are taken in the *mallus*, the court of the *thunginus* or hundredman. The latter seems to have had no power to enforce his sentence, for, on continued default, the plaintiff has recurrence to the *Graf* (*graphio*), who, it appears, was, even at this early date, a royal official, for his life was protected by the threefold *wergeld* of 600 shillings.[1] The *Graf* thereupon took with him seven *rachineburgi*, or assessors, and proceeded to the debtor's house, where he invited the debtor to pay his dues forthwith, or to appoint two valuers to act with the *rachineburgi* in the appraisement of the debt. The passage then proceeds: *Quod si audire noluerit praesens aut absens, tunc rachineburgii praecium quantum valuerit debitus quod debet hoc de fortuna sua illi tollant.* Finally, the *Graf* is entitled to one-third of the property taken, as *fredus* or fine, the remainder being handed over to the plaintiff.[2] If we accept the customary date (the end of the fifth century) for the compilation of the *Lex Salica* as known to us, we must probably treat it as a royal promulgation, which, though doubtless founded on an older popular code (which may or may not have ever been reduced to writing), contains a good deal of royal innovation. The process of execution seems to be a distinct example of the kind; for not only have we the exorbitant *fredus* as payment for the services of the *Graf*, as well as the obvious inability of the *thunginus*, the popular official, to enforce execution, but in

[1] *Lex Salica*, c. 53. I quote from Hesseis' edition. [2] Cap. 60 (? 50).

the following chapter we get, as a sop to conservative objections, desperate fulminations against the claimant who *grafionem injuste ad res alienas tollendas invitat*, as well as against the *Graf* himself who *supra legem aliquid tollere presumpserit*. It is, however, right to point out that there are technical vernacular or 'malberg' glosses used in explanation of the 50th, as well as (in the later texts) of the 51st chapter.

It seems almost indisputable that the process of execution at this time extended only to movables. The expressions *de fortuna sua tollant*, *ad res tollendas*, could hardly be used of land. But the famous 58th chapter, *de Chrene Cruda*, puts the matter beyond doubt. The *Chrene Cruda* is one of the most striking and picturesque of primitive forms of procedure. It could only be resorted to for one offence, homicide, and then only if the offender could produce twelve witnesses to swear that he had *nec super terram nec subtus terram plus facultatem* than he had already given towards the payment of the wergeld. In this event, the defaulter went into his house, and, there having gathered a handful of earth from all the four corners, stood on the threshold, looking inwards, and threw some of the earth with his left hand over his shoulder on to his nearest relative. The latter was then entitled to redeem the offender by paying the remainder of the wergeld, taking doubtless (though the text does not expressly say so) the house as an equivalent, while the insolvent debtor, ungirt and unshod, with staff in hand, leapt over the hedge. If none of his relatives could pay the amount due, the offender's life was forfeit to the prosecutor.[3] These passages seem to show very clearly the limits of execution at the period of the compilation of the *Lex Salica*. The claimant, with the help of the royal officials, can get at the debtor's movables (*facultas*), but if these do not suffice he has no further remedy against property. Only in the single case of homicide, if the offender can get one of his *relatives* to redeem his life by taking his house (and probably therewith his rights in the *Gemeinde*), he may do so. But, if he fails, the prosecutor cannot aid himself that way; he can simply claim that the body of the delinquent be handed over to him.[4] It is noteworthy that the later texts of the *Lex Salica* speak of the *Chrene Cruda* as an obsolete process (*quod paganorum tempore observabant*), and further, that some of them allege, as the reason for its abandonment, *quia per ipsam cecidit multorum potestas*.[5]

There is, however, yet another provision of the *Lex Salica* and similar codes which is of importance for our purpose. It relates to contumacious defendants (*ii qui ad mallum venire contemnunt*). After an elaborate process of warning, the person who refuses to

[3] See this process discussed in Grimm's *Deutsche Rechtsalterthümer*, pp. 110 ff.
[4] *Lex Salica*, c. 58: *Tunc de vita sua componat.*
[5] Hessels, col. 375.

attend the ordinary courts is to be summoned *before the king*. And if he still prove contumacious, he is finally to be *extra sermonem positus—i.e.* put under the royal ban. To prevent any misunderstanding, the *Lex Salica* goes on to explain the consequences of this step. *Tunc erit culpabilis et omnes res suas erunt. Et quicumque eum aut paverit aut hospitalem dederit, etiam si uxor sua proxima hoc est* 500 *din. qui fac. sol* 15 *culp. jud. Donec omnia que inpotatur, conponat.* Thus far the earliest texts, but the obscurity of the first part of the paragraph is cleared up by the later manuscripts, which read—*et res suae erunt in fisco aut eius cui fiscus dare voluerit.*[6] To describe the position of the *bannitus* in the vernacular—*Er hat kein Eigen, kein Haus, kein Weib, keine Familie, keine zwei Nachte Ruhe unter demselben Obdach, kein Bett, keine Speise, keinen Trank als das Wasser.*[7]

The position of affairs in the sixth century may thus be summed up. The claimant was entitled to the assistance of the royal officials in realising his claim against the *movables* of his debtor. If this process failed to realise the amount of his claim, his remedy was the old remedy of revenge, now regulated by strict provisions. In the single case of homicide, the delinquent who failed to pay the wergeld might shelter himself behind the process of *Chrene Cruda*, if he could find a wealthier relative to take his place, but this is obviously rather a privilege of the delinquent than a right of the claimant. The only other process of execution was primarily a personal one—ban or outlawry. But this process entailed, as an incident, forfeiture of all the delinquent's belongings *to the royal exchequer*. At this date it was only applied to the contumacious, *i.e.* those who wilfully neglected the summons of the royal officials. But we can easily see how strong would be the inducement to extend the definition of contumacy.

That is the point to be borne in mind. There seems to be nothing to guide us at present as to the extent of the royal rights against the property or belongings of the *bannitus*, except that it is clear that the movables went to the fisc, and that the royal officials would certainly take all that they could get. If they could not seize the delinquent's land, it would probably be because the delinquent had not any land to seize, in other words, that private property in land was not recognised.

The two centuries succeeding the accepted date of the *Lex Salica* are not fruitful in evidence upon our subject. So far as Frank legislation is concerned, we get the execution-by-ban process described again with little variation by Childebert (*circ.* 550),[8] and the execution-against-movables process by Chilperic (561–584).[9]

[6] Cf. texts in Hessels, *ad cap.* 56. [7] Sohm, *Process der Lex Salica*, p. 189.
[8] *Capitula Childeberti*, 6, 1 (*Mon. Germ. LL.* ii. 8).
[9] *Chilperici Edictum*, 7 (*ibid.* p. 11). Clause 8 in Boretius.

It is interesting also to notice that Lombard legislation of the seventh century obviously knows nothing of execution against land; for it regards even the seizure of horses and cattle as an extreme step, only to be justified by the fact that the debtor has no other movables.[10] It is noteworthy that in Lombard execution-process resort must also be had to a royal official, the *sculdahus* (*schultheiss. actor regis*).[11]

But towards the end of the eighth century a new light breaks in. The victorious Franks are now extending their empire and imposing their institutions upon their Teutonic kindred. The surrender of the Saxons to Charles the Great in the year 777 is speedily followed by legislative innovations. Turning to the conqueror's *Capitula de Partibus Saxoniae* (ann. 782) we find that the ban-process has advanced a distinct stage. It is now used, not only against the man who will not, but also against the defendant who cannot, obey the order of the court. *Si quis homo fidejussorem invenire non potuerit, res illius in forbanno mittantur.*[12] And this step certainly deprived the defendant of one important immovable, for if he ventured to come into his house *super bannum*, he was liable to a special fine.[13]

Another quarter of a century, and we are face to face with certainties. Shortly after his coronation in St. Peter's, Charles the Great proceeded to make certain additions to the laws of his Lombard subjects. By the legislation of Ticino (ann. 801) it is expressly provided that in the case of a debtor who refuses to pay, examination of the damage shall be made by the *comes* and *ministri*, *i.e.* by the royal officials. The movables are to be first resorted to. *Quod si rerum movilium ibidem inventarum quantitas ad conpositionem non sufficerit*, DE INMOVILIBUS SUPPLEATUR. Then the passage proceeds with the (to us) remarkable direction—*et quod superfuerit, sicut dictum est, fiscos regis possideat.* This is the old theory of contumacy. The defendant is thus punished for disobeying the royal injunction. But there is one more very remarkable direction in the chapter. *Si autem homo ille nondum cum suis coheredibus proprium suum divisum habuit, convocet eos comes, et cum eis legitimam divisionem faciat, et hinc sicut iam dictum est partem eius fiscos regis addiciat.*[14]

It would seem to be clear that, by the date of this enactment, both intensive culture and several ownership were generally

[10] *Rothari Edictus*, 251 (*ibid.* iv. p. 61).

[11] *Ibid.* 374 (*ibid.* p. 87).

[12] *Capitula de Partibus Saxoniae*, cap. 27 (*Mon. Germ. LL.* v. 44. Boretius, p. 80).

[13] *Ibid.* c. 27.

[14] *Capitulare Ticinense*, cap. 13 (*Mon. Germ. LL.* i. 85). Doubts have been suggested as to the authenticity of this passage, but only to the effect that it should appear under the legislation of Ludwig in 816 (see Boretius, i. 268). Whether it is to be attributed to 801 or 816 is not of importance for my argument.

recognised. The territorialising influence of the Carolingian conquests could hardly have existed unless the conquered peoples had been bound to their homes by something more substantial than the slight attraction of extensive culture. Fields ploughed and sown for years would be an infinitely greater binding force. The *coeredes* of the *Capitula* of Ticino, now so definitely related that a partition of their land can be effected, look like the joint family on the verge of dissolution. The famous clause of the *Lex Salica*, which excludes women from the inheritance of land, is obviously an interpolation, and may possibly be connected with this very step. There is no existing manuscript of the *Lex Salica* older than the eighth century.

The question is—When was the change indicated by the legislation of Ticino first introduced? Sohm thinks that the fourth part of the *Lex Ribuaria*, which he attributes to the middle of the eighth century, betrays ignorance of any right to proceed against immovables.[15] But the passage referred to (cap. 84) is by no means conclusive, and Dr. Sohm's dating is based on his well-known jealousy for the honour of the *Lex Salica*.[16] There is a more satisfactory guide. Long before the legislation of Ticino, Charles the Great had introduced the execution-by-ban process into Italy. In the month of March, in the eleventh year of his reign (779), he published a series of Lombard statutes, of which the 27th chapter repeats the description of the ban-process in the terms of the older legislation.[17] There is nothing to hint at resort to immovables. *Possessio, res*, are the terms employed, but the distinction so clearly expressed in the legislation of Ticino is entirely absent. On the other hand, the terms of the legislation of Ticino are repeated, almost *verbatim*, in the *Constitutiones Aquisgranenses*, the general Frank legislation of Ludwig the Pious, issued in the year 817.[18] There is also in this last legislation a distinct admission of the right of a litigant to recover an immovable *in specie*. *Quod si non de alia re, sed de ipsa proprietate quae in bannum missa fuit, ac per hoc in nostram potestatem redacta est, fuerat interpellatus, comes in cuius ministerio eam esse constiterit, hoc ad notitiam nostram perferre curet, ut nos eandem proprietatem, quae secundum supradictum modum in nostrum dominium redacta est, per praecepti nostri auctoritatem in ius et potestatem hominis qui eam quaerebat, si sua esse debet, faciamus pervenire.*[19]

It seems then, on the whole, abundantly clear that several ownership, and, therewith, intensive culture, were familiar to Teutonic Europe before the close of the eighth century. It would have

[15] *Fränkische Reichs- u. Gerichtsverfassung*, p. 123.
[16] *Mon. Germ. LL.* v. 186.
[17] *Ibid.* iv. 490.
[18] *Ibid.* i. 212.
[19] *Ibid.* i. 212.

been idle to provide execution-process against the immovables of a debtor, unless the ownership of immovables had been generally recognised. Unquestionably common cultivation and common ownership have survived, even to our own day, by the side of the newer system; and it may well be that the introduction of *Immobiliarexekution* was suggested by, and at first confined to, the *feud* as opposed to the *alod*. But these facts do not directly affect the question. It is far more difficult to fix a prior limitation. One may say with some confidence that immovables are not recognised by the legislation or customary law of the sixth century, even under Merovingian rule, as subjects of execution-process, and this seems to show that it was in the seventh and eighth centuries that several ownership made so much way as to become the basis of an extended legal process. A careful study of the documents and *formulae* of this period would probably throw more light on the subject.

EDWARD JENKS

The Taxes of the Papal Penitentiary

THE genuineness of the so-called 'Taxes of the Penitentiary' was long a subject of dispute. Protestants eagerly reprinted them in the two recensions which were accessible, and a series of commentators —Du Pinet, Banck, Du Mont, Collin de Plancy, Mendham, Gibbings, Saint-André—accompanied them with more or less exasperating elucidations. The Roman Index prohibited them to the faithful in a cautious manner which left their genuineness undetermined.[1] Up to within a recent period catholic writers have been accustomed to throw doubts upon their very existence, but the evidence as to this was finally recognised as incontrovertible, and in 1872 Father Green admitted it, shifting the ground of the debate to the nature of the implied transaction, and arguing that the absolutions offered were merely in the *forum externum*, from ecclesiastical censures, and that the sums set forth in the tax-lists were simply payments for clerical services.[2] It is natural that an honourable catholic should repel with indignation the assertion that the Holy See for centuries advertised the pardon of the foulest sins for a few *gros tournois*, and this with an inexplicable indifference as to the relation between the degree of guilt and the price of remission.[3] The question has thus long been a vexed one, but recent researches of scholars have brought to light many documents elucidating the practice of the Roman chancery and penitentiary, and the subject

[1] The earliest prohibition occurs in the appendix to the *Antwerp Index* of 1570, p. 69—'Praxis et Taxa officinae poenitentiariae Papae.' This is copied literally in the suppressed *Index of Sixtus V.* in 1590 (Mendham's edition, p. 51). Clement VIII in 1596 added the cautious phrase 'ab haereticis depravata' (*Index Clementis VIII*, Urbini, 1596, fol. 43 b). Benedict XIV in 1758 adopted the more doubtful formula 'cum ab haereticis sit depravata,' and attributed the prohibition to the appendix of the Tridentine Index (*Index Benedicti XIV*, Romae, 1758, p. 216), which phrase has been retained to the present time (*Index Leonis XIII*, Taurini, 1890, p. 320).

[2] Green, *Indulgences, Sacramental Absolutions and the Tax-Tables of the Roman Chancery and Penitentiary*, London, 1872, p. 165.

[3] Two or three items from the oldest of the protestant editions of the *Taxae* will show how little relation the price affixed bears to the sin remitted:—

'Pro laico a lapsu carnis super quocunque actu libidinoso, in foro conscientiae, turon. 6, ducat. 2.

'Ab incestu pro laico, in foro conscientiae tantum, turon. 4.

'Ab adulterio cum incestu, pro una persona tantum, turon. 6.'—*Taxe des Parties casuelles de la Boutique du Pape. Auec annotations, &c.* par A. D. P. (Antoine du Pinet). A Lyon, 1564, pp. 81, 82.

can now be understood, if not completely, at all events with an approximation to the truth. In 1888 the learned Father Denifle printed what he regards as the oldest tax-table of the penitentiary, issued by Benedict XII in 1338,[4] and in 1892 Herr Tangl gave us the taxes of the chancery of the Avignonese popes, illustrated by an exhaustive investigation of contemporaneous documents, edited and inedited.[5] The chancery and the penitentiary were so closely connected, and their functions overlapped in so wide a range of subjects, that the practice of the one can safely be used where it serves to supply deficiencies in our information as to the other.[6]

To appreciate the matter properly we must bear in mind that the use of money in expiation of sin by no means excited in pre-Reformation times the general abhorrence with which we moderns are trained to regard it. The barter of pardon for pence disguised itself in many ways till it became so habitual that only an occasional moralist or publicist ventured to utter an indignant remonstrance. 'Almsgiving' was a convenient euphemism which relieved such transactions of all impropriety. 'Water quencheth a flaming fire and alms resisteth sins,' and 'Redeem thou thy sins with alms,' were texts perpetually quoted and applied.[7] As early as the close of the sixth century, Gregory the Great reminds his bishops that they live on the sins of their flocks, that they eat the sins of their people.[8] To the end of the middle ages the lesson was sedulously taught that of all forms of penance almsgiving was the one universally most efficacious.[9] It was habitually prescribed in the confessional and is still retained in the Roman Ritual, with the single restriction that the priest must not keep the money himself.[10] In practice, almsgiving meant payments or gifts to the church. It was always technically 'the poor' on whom charity could be most worthily and advantageously bestowed, and the success of its teachings is seen in the immense growth of its possessions, granted, for the most part,

[4] *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, Band iv. 201.

[5] *Mittheilungen des Instituts für österreichische Geschichtsforschung*, Band xii. 1.

[6] See the *Formulary of the Papal Penitentiary in the Thirteenth Century*, Phi'adelphia, 1892, in which most of the formulas are on subjects equally under the jurisdiction of the chancery. The same is visible by a comparison of the tax-tables printed by Denifle and Tangl. It was not until the reformation of the penitentiary by Pius IV and Pius V in 1562 and 1569, that it was restricted to the *forum conscientiae* except in respect to the religious orders.

[7] Eccles. iii. 33; Daniel, iv. 24. See also Tobias, xii. 9.

[8] Gregor. PP. I. *Homil. XVIII in Evangel.* n. 8, 18.

[9] 'Elimosina completius habet vim satisfactionis quam oratio, oratio quam ieiunia. . . . Et propter hoc elimosina magis indicitur ut universalis medicina pro peccatis quam alia.'—Joh. Friburgens. *Summae confessorum*, lib. iii. tit. xxxiv. Q. 123. Cf. S. *Antonini Summae*, p. iii. tit. xiv. c. 20, § 3; *Summa Sylvestrina*, s.v. *Satisfactio.*

[10] *Rituale Romanum*, tit. iii. c. 1.

as the charters bear witness, *pro remissione peccatorum*.[11] Even so high-minded a pontiff as Alexander II, in a case of involuntary fratricide, had no hesitation in imposing as penance the confiscation to 'the poor' of the whole of the penitent's property, allowing him, however, the usufruct of one half of it during life.[12]

In addition to this, the church, in its efforts to win over its barbarian converts, adapted itself to their customs, and the practice arose of permitting all penances canonically imposed to be redeemed with money. Tables of commutations are given in nearly all the penitentials and in the collections of penitential canons, regulating the amounts to be paid in lieu of fasts of a day, or a week, or a month, or a year, and a perfect equivalency was recognised between the payment of money and other works of penitence.[13] So completely was this system established, that in the eleventh century St. Peter Damiani indignantly complains that no layman would endure a fast of three days in the week, and that the penitential canons must be cast aside as obsolete if the redemptions are not abolished.[14] Damiani's prediction was verified, but it was the redemption system that triumphed. In the thirteenth century, with the introduction of enforced sacramental confession, the canons became practically obsolete. The assignment of penance grew to be wholly at the discretion of the confessor, and its acceptance became voluntary with the penitent, except in the rapidly diminishing cases of public penance, which need not detain us here, while the alternative of redemption remained in force;[15] indeed, as a factor in the theory of indulgences, it took a new and most important development. Of course, repentance was taught as a condition precedent to absolution, but the schoolmen so diluted it with their definitions of sufficing servile attrition that in ordinary every-day practice it became scarce more than a formality.

While, therefore, absolution was not openly and unblushingly sold, the nice distinctions between this and the current practice were not easily apprehensible by the common mind, and in the existing condition of imperfect moral development among the people, the belief was not unnatural that absolution was purchasable—not merely the pardon in the *forum externum*, but the absolute forgiveness of sin in the *forum conscientiae*, through the power of the keys and the application of the treasure of the merits of Christ and the saints. To the trained scholastic theologian, the distinction was

[11] For ample details see Muratori, *Antiq. Ital.* Dissert. lxviii.

[12] Alexand. PP. II. *Epist.* 100 (Migne's *Patrol.* cxlvi. 1386).

[13] *Pseudo-Bedae Poenitent.* c. 41; *Pseudo-Egberti Poenitent.* lib. iii. c. 60, 61; *Cummeani Poenitent.* De modis poenitentiae (Wasserschleben, *Bussordnungen*, 276, 340, 462).—Reginon. *de Eccles. Discipl.* lib. ii. c. 438-46. Burchardi *Decreti* lib. xix. c. 11-25. Ivon. Carnotens. *Decr.* p. xv. c. 205.

[14] S. Petri Damiani *Epistt.* lib. i. epist. 15.

[15] C. 8, Extra, v. 38. Joh. Friburgens. *loc. cit.* tit. xxxiv. Q. 135.

sufficient to enable John XXII, when he wished to discipline his penitentiaries in Rome for removing the excommunication of Louis of Bavaria and his adherents, to impute it to them as a crime that they claimed to control the keys of heaven and hell, and sold to sinners absolutions *a poena et a culpa* for the most serious sins. Twenty-five years later Clement VI, in winding up the business of the jubilee of 1350, dismissed a number of penitentiaries who had bought their offices from him, and had naturally made what they could out of the investment by trading in absolutions for money.[16] We need not, at the moment, ask whether the papal indignation was excited by the sale of pardons or by the diversion of the proceeds from the camera to the individual penitentiaries; it suffices to point out that such commerce could not flourish unless sinners had been trained to believe that pardons were purchasable for cash. Clement himself contributed to this belief when he granted to John, archbishop of Brindisi, his nuncio at Naples, faculty to grant the jubilee indulgence to thirty persons, legitimately impeded from performing the pilgrimage to Rome, on their paying what the pilgrimage would cost.[17] That such was the general estimate of the transactions of the penitentiary is seen in the protest which the German nation, at the council of Constance, presented, in 1418, against the election of a pope before the necessary work of reformation was accomplished. It describes the sale of pardons for sin in the penitential forum, under the colour of fees for letters, in the most forcible terms as an abuse more horrible than ordinary simony.[18] Pius II, before his accession to the papacy, had no hesitation in making a similar assertion.[19] When the Lutheran revolt loosened the tongues of the

[16] *Bullarium Vaticanum*, i. 273, 343. We shall see presently that the offence of Clement's penitentiaries probably was merely the retention of some of the pecuniary penances inflicted. As to the purchase of the office, doubtless illegal bribes were given to persons of influence with the curia, for, prior to Boniface IX, offices were not openly sold, but the recognised cost of obtaining the position was not trifling. The letter commissioning a penitentiary for the jubilee of 1350, according to the Avignonese taxtable printed by Tangl (p. 89), is rated at sixteen *gros tournois*, and this was only about a fourth of the fees required, bringing the total to something more than one pound sterling in the English money of the period. Of course the curia could not expect a priest to make this outlay simply through zeal for saving souls; he could only regard it as an investment which through some means or other must bring in satisfactory returns, and his official oath to the contrary was merely a decent pretext to save appearances.

[17] Raynaldi *Annal.* ann. 1350 n. 2. It is scarce supposable that this was the only similar grant.

[18] 'In foroque poenitentiali, quod horrendius est quam simoniacae pravitatis vitium, ubi non in remedium animarum sed sub colore appretiandarum chartarum crimina delinquentium aut gratiae dispensationum praecise secundum qualitatem suam ut res profanae taxantur, abusiones manifeste nefandas committendo.'—*Protestatio Nationis Germanicae* (Von der Hardt, *Concil. Constant.* IV. 1422).

[19] 'Nihil est quod absque argento Romana curia dedat. Nam et ipsae manus impositiones et Spiritussancti dona venduntur. Nec peccatorum venia nisi nummatis impenditur.'—Æneae Sylvii Epist. lxvi. (*Opp.* Basil. 1571, p. 549).

After he had become a member of the curia he sought to defend it, but his defence

laity, the Diet of Nürnberg, in 1523, in drawing up the celebrated list of grievances to be presented to the emperor, complains that spiritual penances are changed to pecuniary, and that the cases reserved to pope and bishops are merely used as means of extortion, for absolution can never be obtained without payment.[20] About 1536 Pius III sought advice from his counsellors as to the demands for reformation of the curia. A report presented to him admits that the taxes of the chancery are a scandal to many pious souls, but argues that the money is not demanded for the absolution but in satisfaction of the sin, and is properly expended in the pious uses of the Holy See.[21] This scholastic distinction, which had served through so many centuries, did not satisfy the cardinals who, in 1538, drew up the well-known *Consilium de emendanda Ecclesia*. They boldly declared that the penitentiary and the datary were the refuge of the wicked, who there found impunity in return for money, to the notorious scandal of Christendom; the church assumed the right to maintain abuses so monstrous that they would destroy any purely human society.[22] These references, which could readily be multiplied, show that, during the period before us, it was universally understood in all the lands of the Roman obedience that pardon for sin in the forum of conscience was to be had in Rome for money. It remains for us to reconcile this with the apparently trivial and illogical fees prescribed in the tax-table of Benedict XII.

From what has been stated above it is evident that the penitentiary had two sources of profit—one peculiar to itself in the absolution of sin, the other common to it and to the chancery in their dealings with all who came before them as suppliants for favours.

The first source was based on the system of pecuniary penance. Under the Avignonese papacy the penitentiary consisted of a cardinal *Major Poenitentiarius*, with a staff of assistants and scriveners; connected with the office were two minor penitentiaries, or confessors with special faculties, stationed in St. Peter's, to whom Clement VI, on his accession in 1342, added a third, stationed in St. John Lateran.[23] When the curia was absent from Rome, similar provision was made in the principal church of its place of residence.[24]

is merely of the *tu quoque* kind—all men crave money; where the concourse is greatest the craving is strongest; Rome is not worse than the courts of the German prelates.—*De Moribus Germaniae* (*ibid.* pp. 1049-50).

[20] *Gravamina Germanicae Nationis*, n. 5, 67 (*Fascic. Rer. Expetend.* ed. 1690, i. 355, 369).

[21] 'Neque pro absolutione sed pro peccati satisfactione possit imponi mulcta pecuniaria expendenda in pias expensas quas plurimas facit Sanctitas vestra in operibus piis innumeris.'—Döllinger, *Beiträge zur politischen, kirchlichen und Culturgeschichte*, iii. 210.

[22] Le Plat, *Monument. Concil. Trident.* ii. 601.

[23] *Bullarium Vaticanum*, i. 343.

[24] Benedicti PP. XII. Bull. *In agro dominico* (Denifle, p. 212).

To these minor penitentiaries the penitent seeking pardon for his sins made confession, accepted penance, and received from them letters of absolution. They were prohibited from asking or receiving anything for the performance of their duties, but they evidently were expected to impose pecuniary penances for the benefit of the camera, for there is a special clause in Benedict's bull of 1338 forbidding them to divert such pecuniary penance to themselves, or to their order or to any special person,[25] and this was considered so important that they were required to swear to it in the oath of office administered to them with their commissions.[26] Evidently, only one recipient of the proceeds was allowed, and although this is not specifically named its identity with the camera cannot be mistaken. As the penances were arbitrary we may presume that their pecuniary features were proportioned to the degree of sin and the ability of the penitent, and further that the payment was secured by requiring its deposit in a chest provided for the purpose in the church, for we have an indication of a similar arrangement in the preparations for the jubilee of 1500. On this occasion Alexander VI commissioned eleven special penitentiaries for St. Peter's, empowered to absolve in all reserved cases except four, and he suspended the special faculties of all the other confessors in Rome, while the pilgrims were exhorted to satisfy God by repentance and 'almsgiving,' The amount of the 'alms' is evidently left to the discretion of the penitentiaries in each individual case, but when release from purgatory for the dead was concerned there was a fixed sum prescribed, and as the intervention of the penitentiaries was not required for souls in purgatory the pilgrims were informed that the amount was to be deposited in the chest provided for the purpose in the church.[27] From all this it would appear reasonable to conclude that absolution from sin by the papal penitentiary was productive in a manner not hinted at in the tax-tables and not hitherto suggested in the controversy over them.

This serves, moreover, to explain the figures set forth in the taxes which have appeared so mysterious. In the somewhat crude and archaic form drawn up by Benedict XII in 1338, there are two hundred and fourteen separate items, of which by far the greater portion are dispensations for irregularities and disabilities. The individual sins which have subtended so large an angle in the eyes of controversialists are bunched together for the most part and despatched with a curtness which shows that the penitents had

[25] *Ibid.* pp. 212, 213.

[26] The oath was a formal feudal oath of allegiance to the pope, with special clauses added, among which is 'Et quod non injungam poenitentias pecuniarias expresse mihi vel personae certae [vel ordini meo vel] alteri applicandas.' *Bullar. Vatican.* i. 338.

[27] Alex. PP. VI. Constit. *Pastoris aeterni*, 20 Dec. 1499; *Inter curas multiplices*, 20 Dec. 1499 (Stephani ex Nottis *Opus Remissionis*, Mediolan. 1500, fol. 159, 160).

already settled with the penitentiaries, and thus the heinousness of their guilt had nothing to do with the price of the letters of absolution—in fact, often the penitent is absolutely poor. Benedict directs that the letters shall be written gratuitously, and that such cases shall have priority of expedition, for it is better to serve God for the poor than not for gain.[20] Thus a few items dispose of a large portion of the sins for which absolution was commonly sought:—

Item. pro incesto vicarii non ultra	III. Turon.
„ „ parricidii aut matricidii aut fratricidii, non ultra	IIII. „
„ „ hæresis homicidii, periurii, incendii, incestus, apostasiæ, raptus et sacrilegii, non ultra	V. „[21]

No more grievous sin could be imagined in that age than for a monk to have himself circumcised; the letter given in such a case describes it as a matter not to be spoken of through shame, and requiring the offender to be shut up till his satisfaction washes out his guilt, yet the charge for the letter is only four *gros tournois*.[22] Almost equally heinous is the offence of a monk adhering to the Saracens, and for this a letter of absolution is taxed at only six *gros*.[23] Manifestly, such payments were in themselves no condona-

[19] Bull. *In agro dominico* (Denifle, p. 216). This would seem to be a well-meant effort to reform an inveterate abuse of the curia. A few years earlier, in 1335, Bishop Alvaro Pelayo, who had himself served as papal penitentiary, describes it forcibly and shows how little John XXII's tax-list had checked the greed which rendered all spiritual graces a matter of profit. 'Mundet igitur Dei vicarius curiam suam consuetudinibus simoniacis . . . Nullus quasi pauper hodie ad papam entrare potest. Clamat et non auditur, quia non habet quid solvat. Vix aliqua petitio expeditur per eum nisi mediantibus interventoribus corruptis pecunia . . . Sed caveat Dominus noster de ignorantia crassa quae non excusat ipsum apud Deum. Corrigat precia immoderata quae accipiuntur pro bulla, pro scriptura litterarum. Hodie sic immoderata salaria pro litteris et aliis accipiuntur in curia quod per indirectum gratiae spirituales et beneficiales venduntur et omnes officiales quasi calumniatores et concussores sunt, ultra etiam constitutum precium extorquentes.'—*De Planctu Ecclesiae*, lib. ii. art. xc (ed. 1517, fol. 118 *a*). As early as 1316, long before the issue of his tax-list, John had taxed all letters *in forma pauperum* at eight *gros tournois*, and ordered this to be inviolably observed as a special benevolence to the poor. Bull. *Cum ad sacrosanctæ* (Extrav. Johann. XXII. tit. xiii.).

[20] Taxae Benedicti PP. XII. (Denifle, p. 216). According to the penitential canons collected by Astesanus de Asti and nominally in force at this period, the penance for incest was at least seven years, for voluntary homicide seven, for accidental homicide five, for matricide ten, and for uxoricide something more, for perjury from seven to twelve, for sacrilege seven, for arson three. *Canones Poenitentiales*, §§ 6, 8, 15, 18, 21, 29, 43, 48 (Astesani *Summae de Casibus* lib. v. tit. xxxii.). Presumably the pecuniary fines inflicted by the penitentiaries were graduated as redemptions of these terms.

[21] Denifle, p. 224. 'Dum reatum advertimus in religionis professore maiorem et verba pudor intervenit et factum litterarum vestrarum vix admittit prolequi' (*Formularies of the Papal Penitentiary*, p. 64). In such a case as this the culprit as a monk doubtless had not funds wherewith to redeem the penance.

[22] Denifle, p. 232.

tion of the sins, and the charge bore no proportion to the degree of guilt.

Yet at the same time there evidently were factors affecting the charges which were not simply the length of the document and the labour of the scrivener. The latter undoubtedly had its influence in letters of the same class. In 1316 John XXII specified for letters of appointment to benefices the price or fee of ten *gros tournois*, and twelve for the executive letters, provided they were of the ordinary form; if additional clauses were inserted these were charged at one *gros* for every four lines. This rate of four lines for one *gros* was his established rule, and to prevent frauds by the scriveners he specified that every line must contain twenty-five words or one hundred and fifty letters.[32] It did not, however, take long for the scriveners to secure an increased rate. At the end of John's tax-list for the chancery there is a general regulation, that for letters not specified in it the tax is to be one *gros* for three lines, up to thirty lines; beyond that limit, owing to the greater risk and loss arising from errors requiring re-copying, the price is to be one *gros* for every two lines, while twenty-five words are still reckoned as a line.[33] In the tax-list itself, which has evidently undergone considerable modification, there is a prescription that for all letters not specifically rated the charge is to be two lines for one *gros*, up to thirty lines, and beyond that one *gros* per line.[34] Yet even this rule is not followed in such items of the list as happen to allude to the length of the letter; thus a license to an abbot to exchange certain revenues with the king is described as about sixteen lines and yet it is charged at twenty-four *gros*, and the exemption of a benefice from impetration is mentioned as fifteen lines and is rated at twenty *gros*.[35] We will consider presently the slender relation borne by these prices to the actual cost of the letters, and meanwhile it suffices to say that in 1418 Martin V restored the rates to those current under John XXII, Benedict XII, and Gregory XI, and that in 1445 Eugenius IV, in revising the tax-list, ordered that of John to continue in force with some alterations and additions.[36] Through the fifteenth century therefore the regulations of John may be considered to have remained the official standard, at least nominally.

[32] Johann. PP. XXII. Bull. *Cum ad sacrosanctae* (Extrav. Johann. XXII. tit. xiii.). Like so many other restrictions promulgated by the popes, this proved a feeble restraint on the greed of the officials. Æneas Sylvius complains of the devices adopted by the scriveners to spread out the writing. 'Quibus cum salarium per lineas sit institutum, ex duobus verbis lineam conficiunt et verba trahunt quantum possunt, nec utuntur abbreviationibus aut titellis.'—*De Moribus Germaniae* (p. 1049).

[33] Tangl, p. 103.

[34] *Ibid.* p. 79.

[35] *Ibid.* pp. 94, 95.

[36] Martini PP. V. Bull. *In apostolicae dignitatis*, §§ 1, 2, 12, 26 (*Bullar. Roman.* ed. Luxemb. i. 295). Eugenii PP. IV. Bull. *Romani Pontificis* (Tangl, p. 45).

These, as we have seen, assigned one hundred words to the *gros*, and it may be not without interest to compare this rate with some of the prices contained in Benedict's 'Taxes of the Penitentiary,' where we can identify them with letters contained in the Formulary. Of these the longest is the absolution for the murder of a bishop, which contains 368 words, with a formal clause not given in full, possibly extending it to 400. This would make the price four *gros*, while in the tax-list it is rated at six.[37] Another is *De occultis et gravibus excessis*, containing 181 words, which, at the utmost, would cost two *gros*, but in the tax-list the price is five.[38] The letter for the circumcised monk, which we have seen rated at four *gros*, has only 179 words, and therefore, at the utmost, should be but two.[39] Simony committed in the reception of a monk is also rated at four *gros*; the corresponding letter has 232 words, bringing it only to two and a half.[40] Absolution and dispensation for a concubinary priest is taxed at four *gros*; of this there are a number of formulas, the longest not exceeding 175 words, thus implying only a *gros* and three quarters.[41] It is true that in the tax-list the price is always specified as the maximum—'non ultra'—but the constant excess of the tax over the rating by words would seem to indicate that the latter was rather theoretical than practical. It certainly was not observed in many cases in which the business of the penitentiary concerned exclusively the *forum externum*, and the higher range of rates generally observable in these latter would seem to strengthen the hypothesis that when the *forum conscientiae* was involved the substantive tax was determined and collected by the minor penitentiaries before they issued their letters of absolution or dispensation, leaving only the formal charges of the letters to be settled.

There is further a class of cases in which the amount of tax is evidently dependent not on the length of the letter, but on the character of the applicant. A letter of absolution for an individual who has adhered to rebels against the church is taxed at six *gros*, but if issued to a city it is twenty, and if it includes a whole diocese it is forty, an increase which cannot be explained by the addition of a few words. So a general absolution and dispensation for the whole Cluniac order is taxed at seventy *gros*, while a similar letter for one of the mendicant orders is only forty, and for a single province, twenty. Absolution and dispensation for the clergy of a city who have celebrated mass during an interdict are rated at thirty *gros*, while for a province the charge is forty, and for a single priest only four. Simple clericide is rated at four, but

[37] *Formulary of the Penitentiary*, p. 20. Denifle, p. 222.
[38] *Ibid.* p. 61. Denifle, p. 224.
[39] *Ibid.* p. 64. Denifle, p. 224.
[40] *Ibid.* p. 18. Denifle, p. 221.
[41] *Ibid.* pp. 95–99. Denifle, p. 227.

if the people of a town have been concerned in the death of a monk, the tax is twenty.[42]

It is evident from this that the sums set forth in the tax-list comprehended something more than the mere scrivener's fee—that there was a margin of profit for some one, and that this profit demanded that a body or community of offenders should not be let off as cheaply as an individual. Nor was this all, for it would be a grave mistake to imagine that the tax as set forth in the tables measured the profit to the curia or the cost to the suppliant for absolution or dispensation or other favour. The passage quoted above from Bishop Pelayo shows how the applicant was required to soothe innumerable itching palms before he could obtain the grace for which he sued. There are no accessible details to illustrate this as regards the penitentiary, but the industry of Herr Tangl has accumulated much instructive material respecting the chancery, which is safely applicable to the penitentiary, though, when the minor penitentiaries alone were concerned, allowance should probably be made for simpler forms in their letters of absolution. The tax in the tables represents only the charge made for one stage in the process, whereas there were several, each of which had to be paid for. First a rough draft or minute had to be made of the letter, then it had to be engrossed without correction or erasure, carefully compared and signed, bullated or sealed, and finally entered on the papal registers. All this kept busy a large number of officials, who had to be paid in addition to providing the profits accruing from the business to the Holy See. Thus on 12 August 1381, the letter of investiture granted to Charles of Durazzo for the kingdom of Naples is taxed at the enormous sum of ten thousand *gros* or one thousand florins, and a like sum was assessed on the similar letter issued to his son Ladislas, while in the obligation given by the latter to the camera for the expenses incurred in the two investitures, these letters are set down at 3,100 florins apiece, which Tangl explains by one thousand each for the writing, the sealing, and the registry, and a hundred florins for the extra work on the finished copy, the scrivener receiving ten per cent. on the single tax.[43]

When the great schism came, the receipts were necessarily divided between the rival popes; there were two treasuries to be replenished, and the demoralisation of the period aided the stimulus

[42] Denifle, pp. 222, 223, 226, 227, 233. During the struggle with Louis of Bavaria there were numerous cases of non-observance of papal interdicts. For absolution in such cases John of Winterthur informs us the cost to an individual priest was one florin, equivalent to ten *gros*. J. Vitodurani *Chron.* ann. 1345 (Eccard. *Corp. Hist.* i. 1910).

[43] Tangl, pp. 63-4. The obligation given by Ladislas to Boniface IX, 3 March 1390, admits an indebtedness of 8,587 florins incurred as fees in these transactions.

thus given to the acquisitiveness of the curia. Under the greedy and shameless Boniface IX, this resulted in a saturnalia of rapacious simony, when dispensations were in the market for all applicants, drafted in any form the purchaser desired, provided he paid enough for them; when expectatives were sold to one person after another, and the earlier buyers were defrauded without mercy. The second letters would have in them the clause *anteferri*, giving them priority over the first, and then ingenuity invented the clause *antelationis praerogativa*, which cut out the second, letters with *anteferri* costing twenty-five florins, while those with the *antelatio* were reckoned at fifty. Boniface appears also to have been the first to introduce the worst of abuses—the sale of the offices of the curia—and the appointees were obliged to commit perjury in taking the accustomed oath that they had given nothing, and knew of nothing being given for the position.[44]

Under such a *régime* the revenue derived from the letters of the chancery naturally increased. In 1403 the approbation-bull of Ruprecht, king of the Romans, was taxed like those of Charles of Durazzo and Ladislas at 1,000 florins, but its cost to the king was 4,000.[45] A transaction of the city of Cologne in 1393 shows even more forcibly how little relation the regular tax bore to the real expenditure. A *rotulus* of seven briefs was obtained (including a jubilee indulgence, for which 1,000 florins was paid to the camera), the cost for which, according to the tables, was 115 *gros*, or eleven and a half florins. The detailed account of Dr. John von Neuenstein, the envoy sent by the city to negotiate the matter, shows that he expended—

For drafting and correction	20	florins
For two clean copies	2	,,
For the preparation of the draft	45	,,
For revision	20	,,
For the clean copies	17	,,
For the bullation	15	,,
For the registry	20	,,
For the camera and *minuta servitia*	1,050	,,
Tropina to the procurator	20	,,
To the bishop of Aix, to whom the matter was referred	57	
	1,266	,,

or 12,660 *gros*. In addition to this, on reaching Rome, he had paid twenty florins to the patriarch of Grado, the protector of Cologne, a girdle and a purse of twenty florins to the bishop of Aix, thirty florins to the advocate of Cologne, and twenty to its procurator, fifteen

[44] Theod. a Niem, *De Schismate*, lib. i. c. 8-11.
[45] Tangl, p. 64.

to the papal janitor, and six for drawing up the supplications.[46] Rome evidently flourished on the tribute exacted from the barbarians.

The Council of Constance was the protest of Christendom against this burdensome system, and Martin V was elected to reform the church in its head and its members. We have seen how, immediately after his accession, he ordered the Avignonese tax-tables to be observed, under strenuous injunctions against overcharges. To what extent these injunctions were obeyed may be gathered from a transaction of the abbey of St. Albans. In 1423 Abbot John of Whethamstede was called to Italy to attend the council of Siena. He made thence a pilgrimage to Rome to obtain the jubilee indulgence proclaimed by Martin V in that year, and he utilised the opportunity to procure three bulls desired by the abbey. They were simple enough: one was a dispensation to eat meat in Lent, the tax for which in the Avignonese lists was ten *gros*; another was a privilege to have portable altars in the houses of the abbey at the university and in London, which is similarly taxed at ten *gros*; the third was for some financial arrangement concerning the abbey revenues, which does not seem to be specially provided for in the tables. The first of these bulls as granted contains 433 words, the second 397, and the third 509, which, according to the Avignonese rate of fifty words per *gros*, would bring them respectively to nine, eight, and eleven *gros*. Their cost, as figured in the abbey accounts, is instructive. On his second interview with Pope Martin, Abbot John, in presenting his supplications, felt it necessary to offer the pontiff a *propina*, consisting of some pieces of silver gilt, costing 16*l.* 3*s.* 4*d.*, which was graciously accepted.[47] The record of the subsequent outlay is as follows:

[46] Tangl, pp. 65–7. The camera at first asked 8,000 florins for the jubilee indulgence, but finally accepted 1,000. Dietrich von Nieheim can scarce be accused of much exaggeration in his description of the camera. 'Quia superius tangitur Camera Apostolica, restat etiam pauca de ea explicare, quae assimilatur mari in quod intrant omnia flumina et non inundat. Sic enim in istam portantur quotidie de diversis mundi partibus auri pondo multa, attamen non impletur; in qua est generatio quae pro dentibus gladios commutat, ut comedat inopes de terra et pauperes ex hominibus, et in qua sunt multae sanguisugae dicentes Affer, affer. . . . Sic ut ab eadem camera liberatus ea vice recte dicere possit, Cantabit vacuus coram latrone viator. Omnis enim abinde pietas, misericordia et clementia longissime avolarunt.'—*Nemoris Unionis*, vi. 37. Boniface only exaggerated what had been for ages the object of ceaseless complaint. Even in the much more limited sphere of action of the Holy See in the twelfth century, Hildebert archbishop of Tours sang of it—

> Roma nocens, manifeste docens exempla nocendi,
> Scylla rapax, puteusque capax, avidusque tenendi.
>
> Hildeberti Cenoman. *Opp.* (Migne, clxxi. 1441).

[47] The custom of thus propitiating the pope by those asking favours was by no means new. The biographer of Innocent III finds it a subject of special praise that he refused all *propinae*, and he gained similar repute while a cardinal by never accepting gifts until he had accomplished the work which earned them. *Gesta Innocent. PP. III.* n. 4, 41.

Pro bulla de jejunio.

Imprimis pro charta	iij bol.
Item, pro minuta	viij flor.
Item, pro scriptore	viij flor.
Item, in bullaria	xxij flor.
Item, in registro	viij flor.
Item, clerico registranti	ij grossi.

Summa in moneta Anglicana, vij li. xiiij s.

Bulla altaris portabilis.

Item, pro minuta	x flor.
Item, pro charta	iij bol.
Item, pro scriptore	x flor.
Item, pro bulla	xj flor.
Item, pro registro	x flor.
Item, pro clerico registrante	ij grossi.
Item, clericis domini secretarii pro scriptura dictarum minutarum	vj grossi.

Summa de moneta Anglicana vj li. xviij s. x d.

Bulla de perinde valere pro Firmis.

Item, pro minuta	viij flor.
Item, pro charta	iij bol.
Item, pro scriptore	viij flor.
Item, pro bulla	viij flor. viij grossi.
Item, pro registro	viij flor.
Item, pro clerico registrante	ij grossi.

Summa in moneta Anglicana, v li. xv s. iiij d.[48]

Thus the first two of these, which are nominally taxed at ten *gros* each, cost respectively about 462 and 418 *gros*, amounts not to be explained either by the increased rate charged to communities or the reduplication of fees at each successive stage of the process of issuing. There was evidently ample ground for the complaints of overcharging uttered at the Council of Basle which Eugenius IV proposed to meet by ordering the taxes of John XXII to be exposed in public, so that they could not be exceeded, a perfectly futile device, even if it was ever carried into effect.[49]

[48] Amundesham *Annal. Monast. S. Albani*, ed. Riley, i. 143, 152 *sqq.*, ii. 271.

[49] Tangl, p. 50. Tangl tells us that towards the end of the fifteenth century the chief centre of abuse appears to be the *Bullaria*, and that in 1486 Innocent VIII adopted the characteristic measure of reform of creating a college of seventy-one *collectores plumbi*, each of whom had to pay fifty florins for his office (*ibid.* p. 71). He took a further step in the same direction in the following year 1487. In order to redeem his tiara and other jewels, pawned for a loan of 100,000 ducats, he increased the number of secretaries from six to twenty-four and required each one to pay the sum of 2,600 florins towards the redemption of the pledges. In return for this they were allowed to sell their offices and were given the taxes on the rough drafts of letters

It is evident from these examples that by far the largest portion of these so-called expenses were in reality the profits of the camera—profits in addition to what it might get as the price of its favours in granting the supplications of the applicants.[50] What this portion may have been it would be impossible now to define with accuracy, but it is suggestive to observe in the above that the payment to the registering clerk is two *gros*, while the fee for registering is eighty or a hundred. Some light on this point, moreover, is afforded by the act of parliament in 1533, when the whole business of issuing dispensations, licenses, faculties, &c., was cut off from Rome, not with the object, as the act declares, 'to decline or vary from the congregation of Christ's church in any things concerning the very articles of the Catholick Faith of Christendom,' but to put an end to the frauds and extortions and excessive payments and delays of Rome 'to the great impoverishment of this Realm.' It was a simple transfer from Rome to Canterbury, and the Roman prices, or rather their equivalents, in sterling were maintained. Where the Roman cost was under 4*l.*, 'which be matters of no great importance,' the seal of the archbishop suffices; for larger transactions the confirmation of the lord chancellor with the great seal is required. Each of these dignitaries is to have a clerk for the purpose, who is to provide, without charge from his stipend, the necessary parchment, wax, and silken laces. The proceeds of the documents issued above 4*l.* are divided, one-half to the king, one-ninth to the chancellor, and one-eighteenth to his clerk, two-ninths to the archbishop, and one-ninth to his clerk. Below the 4*l.* limit the archbishop takes two-thirds, his clerk one-sixth, and his commissary one-sixth for sealing. Thus five-sixths are clear profit, and one-sixth suffices for the actual clerical work.[51]

for notaries, portable altars, celebrating in interdicted places, perpetual *confessionalia*, indulgences in life and *in mortis articulo*; also one-fifth of the taxes on all letters issued by the *camera secreta*, and other emoluments. They were formed into a college and all receipts were divided between them equally every month, so that the pay was wholly irrespective of any labour performed. Innoc. PP. VIII, Bull. *Non debet*, 1487 (*Mag. Bullar. Roman.* i. 441).

[50] Thus a letter of provision for a benefice, with or without cure of souls, is taxed at ten *gros* (Tangl, p. 77), but this, however much it may have been increased by the excessive charges of the officials through whose hands it passed, had nothing whatever to do with the price of the benefice itself. We learn from the *Regulae Cancellariae* of John XXIII in 1410 and of Martin V in 1418 that the price of a benefice in Germany, England, and Scotland was 25 marks with cure of souls and 18 without cure; in Italy, 60 and 40 florins respectively; in France and Spain 60 and 40 *livres tournois* (H. von der Hardt, *Concil. Constant.* i. 958, 970). The *Regulae* of Sixtus IV, which a copy printed in 1476 in Rome is before me, specifies no definite prices. As benefices continued to be sold, it probably had been found more advantageous to have no uniform rate.

[51] 25 Henr. VIII. c. 21. We see from this that a papal letter costing 4*l.* is assumed to concern only trivial matters. What was the import of this sum at the period may be gathered from a provision of the act of 1529, one of Wolsey's measures of reform. Its object is to repress the abuse of pluralities, and it provides that, with the

We may not unreasonably assume that the profits accruing to the camera from the chancery and the penitentiary were not less than this percentage, and possibly more. The business was a large one and the income proportionate. Tangl has laboriously summed up the receipts recorded in the rubrics of the register of the sixth year of Innocent VI (1358), and finds them to be 42,865 *gros*, in addition to many of which the tax is not registered, and the cost to the applicants was fourfold this amount, for the rough draft, the clean copy, the sealing, and the registering. In this year the clear revenue to the camera from its commerce in letters was over five thousand florins, which may be compared with the total revenue in 1353 of something over 260,000 florins.[52] Yet this is moderate compared with the growth in the succeeding century. Under John XXIII the clear revenue from papal letters amounted to 45,000 florins in forty months, or over 1,100 florins per month, while under Sixtus IV, out of an income of from 250,000 to 260,000 florins, 36,000 were derived from letters.[53] Of course it would be impossible to apportion this between the chancery and the penitentiary, though the larger portion was doubtless derived from the former, and it would be fruitless to conjecture what were the additional receipts accruing from the pecuniary penances imposed by the minor penitentiaries.

HENRY CHARLES LEA.

exception of some favoured classes, no one possessing a cure 'being of the yearly value of viij. pound' or above, shall obtain another (21 Henr. VIII. c. 13). Thus 8*l.* per annum was considered sufficient support for a parson. In thus transferring to England the business of the Roman chancery there is no provision for absolutions from sin; the dispensations alluded to are for defects of birth, pluralities, marriage within the prohibited degrees, &c. The taxes of the penitentiary appear to drop out of sight and it is expressly declared that the dispensations are to be 'in no manner wise . . for any cause or matter repugnant to the law of Almighty God.'

[52] Tangl, pp. 38, 39. According to Sismondi (*Répub. Ital.* ch. 36) the revenue of Florence at this period was 300,000 florins, while Villani (*Chron.* xi. 92) states that France, Florence, and Naples were the three richest states in Europe, ranking in the order named.

[53] Tangl, pp. 40, 44.

The Spanish Armada and the Ottoman Porte

DURING the struggle which is usually taken to have ended with the defeat of the Armada, Queen Elizabeth made serious efforts to obtain assistance from Turkey against Spain. The idea of an alliance with the Porte was a natural one, and if the suggestion made to the reigning sultan had been accepted and carried into effect, namely to send a fleet to attack Spain in the Mediterranean, England's task in defending herself would have been made much easier than it was. Again and again during a period of several years the Porte was urged to act with England. The arguments used were unanswerable. Philip had become the most powerful sovereign in Christendom.[1] He had made himself master of the Italian states and of the Low Countries, and had the Holy Roman Empire and France completely under his influence. Two powers alone resisted him, England and Turkey. 'Make no mistake,' was the drift of Elizabeth's appeal; 'Philip is attacking us now, and if he succeed your turn comes next. Join with us and our arms will probably be successful. If we are divided, his force is so overwhelming that, though we are confident of success, who knows what the result may be?'

A curious feature of the correspondence between the queen and her ministers on the one side and the sultan and his ministers on the other is that from the very outset Elizabeth makes appeal to the Mahometan sentiment on the ground that Protestants and Mahometans alike are haters of idolatry. She is 'defender of the faith against those idolaters who have falsely usurped the name of Christ' (*verae fidei contra idololatras falso Christi nomen profitentes invicta et potentissima propugnatrix*). To such an extent were the Turks persuaded of the similarity between Protestantism and Islam that if we are to believe a contemporary report, addressed to the emperor, Sinan Pacha told the Roman ambassador that to be good Mussulmans all that was wanting to the English was that they should raise a finger and pronounce the Eshed or confession of

[1] *Qui isto aevo omnium principum christianorum est maximus* (Letter of English ambassador to Murad III, 30 Nov. 1588).

faith.[2] Before calling attention to such documents as I have been able to find, I may be permitted to give a bare indication of the history of the relations between England and Turkey previous to 1588 in so far as is necessary to illustrate the correspondence.

English traders began early in the sixteenth century to make voyages in the Levant. As early as 1513 a consul, by name Justiniani, was appointed at Chios. The name recalls the fact that Venetian rule had prevailed in the Archipelago. Persons of the same name, all I believe claiming to be of Chios origin but from a Venetian family, are still to be found at Constantinople and throughout the western shores of Asia Minor. Seven years later another English consul was appointed at Crete. Several years passed before necessity seems to have arisen for the nomination of other consuls. In 1553 Master Anthony Jenkinson, a member of the Russian Company, obtained 'safe conduct or privileges from Sultan Solyman, the great Turke.' Up to this time the Turks had known little of the northern nations of Europe. On the capture of Constantinople, in 1453, they had found the Genoese in possession of Galata, a fortified town occupying one side of the Golden Horn. They had confirmed the treaty or capitulation of privileges under which the Genoese enjoyed the rights of exterritoriality as against the Byzantine emperor, and had granted or confirmed similar capitulations in favour of the Venetians and the French. France, indeed, had for a considerable period been the protector of the subjects of most of the European states who found themselves in Turkey. What is now the case in China, where until three years ago France 'protected' all Christian priests and Christian converts, that is, gave them some of the privileges of French citizenship, was the case in the Ottoman empire in the sixteenth century. In the middle of that century, however, the influence of France had given way to that of Spain, and as Englishmen could not look for Spanish protection they worked successfully to obtain capitulations for themselves. The grant of a safe conduct to Jenkinson would probably have been successfully resisted by France had she retained her former influence.

The Mediterranean potentates in 1571 were the sultan, the pope, the rulers of Genoa, of Venice, of Malta, and, above all Christian powers, of Spain. In that year the combined forces of the Christian potentates, commanded by Don John of Austria, checked the growing maritime power of the Turks and inflicted upon it a crushing defeat at the battle of Lepanto. But in spite of this defeat the traditional reputation of Turkey as a great naval power still existed. Nor is the reason for this difficult to find. Under Selim II Europe had seen and had regarded as a general calamity

[2] Report of Eytzing in 1588 quoted by Baron von Hammer-Purgstall, *Hist. de l'Emp. Othom.*, vii. p. 252, ed. Paris, 1837.

the conquest of Cyprus. The Christian fleets had been defeated in 1538 off Prevesa by Haireddin Barbarossa, and from that year the Turks had been regarded as the most formidable power in the Mediterranean. The Turks themselves believed, says Ranke, that the Christians would never again venture to stand before them in open fight. The failure of Suliman the Magnificent at the siege of Malta in 1565, while a triumph for Christendom, had cost so much blood and treasure as to be only less disastrous than a defeat, and had shown how strong was the Turkish power at sea. Then in 1571 had come the defeat of Lepanto, which can now be recognised as one of the most decisive and complete victories of which history bears record. No contemporary, however, regarded the naval power of Turkey as having ceased to exist. The Porte had always shown great persistency in the attainment of its objects, had been often defeated even on land, but had never ceased to press forward; and each generation since the conquest of Constantinople, a century earlier, had seen the rapid advance of the Turkish arms. The judgment of prudent men who did not believe that Turkey's progress had been arrested was justified by the fact of her continuous advance for another century and a half, although this advance was solely made by her armies. Since 1571 she had had time to recover her power at sea. The islands of the Archipelago and the shores both of Macedonia and Asia Minor supplied men used to the building of ships, and slaves for their working; while the fanatical courage of the Turks as fighters had been shown to be as great on sea as on land.

The defeat of Lepanto, however, had made the Turks themselves less confident, had indeed led to the existence of the belief which later Turkish writers have often expressed, that Allah, while he has given dominion on land to the Faithful, has left that of the sea to the Giaours. The defeat probably made the task easier for English subjects to obtain privileges from the Porte. England had taken no share in the confederation which had given the first serious blow to Turkish progress in Europe. The Grand Turk knew too that, though England was not a Mahometan country, its sovereign and people had taken part in some kind of religious movement by which the Giaours had been divided. Communications had taken place in the time of Melanchthon between that reformer and the Armenian ecclesiastical authorities of the Ottoman empire; and these communications must certainly have been within the knowledge and with the acquiescence of the Porte. The Eastern or Orthodox church shortly after the capture of the City in 1453 had endeavoured to impose its laws, which in all matters relating to personal status the conquerors had allowed them to retain, upon the members of the Armenian church. The latter however resisted, and just as twenty years ago the Porte aided the Bulgarians in

setting up an independent church, so they aided the Armenians in their quarrel with the Orthodox patriarchate. So far, however, as religious sympathy could exist with Christians at all, it was sure to be with those who opposed picture and image worship, and preferred a simple form of religious worship rather than with the adherents, either of the Orthodox church, or with those of the elder Rome.

The Grand Turk knew also of the religious hatred which existed between the catholics and the reformers, and must have heard of the massacre of St. Bartholomew. The representatives of the catholic party to him, as indeed to the world, were the pope, the caliph of the catholics, and Philip II of Spain. The Romanist powers, therefore, were at once the enemies of Islam and of the Protestant powers. Moreover, Turkey has always been ready to play the easy game of taking advantage of the divisions of western states. Hence with France humbled and Spain triumphant, the Grand Turk was ready to be on the best of terms with England, the chief enemy of Spain. Accordingly in 1579 Elizabeth obtained permission without much difficulty for her subjects to trade freely in the dominions of the Ottoman empire.

Hakluyt gives the 'letters sent from the Imperiall Mussulman-like highnesses of Zuldan Murad Can to the sacred regall Maiestie of Elizabeth Queen of England, the fifteenth of March 1579 conteyning the grant of the first privileges.' These were enlarged in the following year. 'The Charter of the Privileges granted to the English and the league of the Great Turke with the Queenes Maiestie in respect of traffique,' dated in June 1580, are given in Anderson's 'History and Chronological Deduction of the Origin of Commerce.' It appears, however, that these privileges were not definitely confirmed as capitulations until 1593, when Sir Edward Barton, the second English ambassador, whose tomb is still to be seen at the island of Halki near Constantinople, was the queen's representative.[3] These capitulations constituted the basis of the capitulations obtained by Charles II from the Porte, under which with certain modifications British subjects in Turkey still enjoy the rights of exterritoriality. In less than two years from the obtaining of these concessions Elizabeth sent out William Harebone (or Hareborne, for the name is spelt both ways) as her representative to Sultan Murad Khan. The queen's commission to her 'servant Master Harebone' was given at Windsor, 20 November 1582.

The primary object of his appointment was probably to develop English trade in Turkey and the Levant. But from the first both he and his royal mistress gave their attention to the maintenance of a good political understanding based upon opposition to Spain and Roman catholicism. A few days before the date of the queen's

[3] The inscription on this tomb appeared in the English Historical Review, vii. 116 (1892) as one of two sent by the late Sir William White.

commission a letter of recommendation was drawn up to be presented by her ambassador to the grand vizier. In this letter she begins by calling attention to the common ground she occupied with the sultan. The letter is to the following effect:—

Elizabeth by the mercy of the most High Queen of England, France and Ireland the unconquered and most powerful defender of the true faith against the idolaters who falsely call themselves by the name of Christ sends greeting to Mahomet the Grand Vizier of the emperor of the Turks. We conclude that Your Highness is aware of a certain privilege lately granted by the great emperor to our Subjects by which they are allowed to trade and carry on their commerce in safety and freely in all the provinces of the Ottoman empire with the same entire freedom as the French, Poles, Venetians, German and other allies of the great King are accustomed to use and exercise in these dominions. Now, therefore, we send William Harebone, our chosen servant, one of our trusted observers and a man girt with much valour, as our representative to the Sublime Porte of the great emperor. We esteemed that the reward of his task would be to commend him as best we could to your Excellency, that you might aid him with the emperor and with the Vice Roy Siausum and that you might so undertake the defence of our English Subjects that their honest claims and affairs might be satisfactorily concluded by your influence. They will owe much to your Excellency's active aid and will be grateful and your excellency will never regret having benefited them . . . and we shall be happy if possible to be useful in return. May the Highest keep you from harm. Given at our Windsor Castle 15 Novr 1582, 24th. of our reign.

Indorsed—Eliz. Queen to Mehmet Pasha Vizier of the great Turkish emperor.[4]

Harebone arrived in Constantinople on 29 March 1583.[5] Hakluyt informs us that within the next two or three years Harebone established for the first time English consuls in Alexandria, Cairo, Aleppo, Damascus, Tripoli, Jerusalem, and other places. On Harebone's arrival he gave to the Sultan a watch worth 5,000 ducats, nine English bulldogs, and other presents. He appears at once to have set himself to his double task of developing English trade with the Levant and of bringing about an offensive and defensive alliance against Spain. To accomplish the first he began by appointing consuls as early as 1583. His letters of nomination to a consul for Algiers, Tripoli, and Tunis, to another for Egypt, and to a third for the principal towns in Syria are given in Hakluyt.

The letter of instructions given by the ambassador to the first

[4] The Latin original is given in Hammer, vol. vii. p. 395.

[5] Hammer, vol. vii. p. 140. He gives as his authority *Rapport de Pregner, in Sommaria de Relaz. Venezi.* So far as I can learn, this summary has never been published. The *Relationes* which Hammer made use of, and which he speaks of as existing at the time he wrote his history of the Ottoman Turks in 'the archives of the Chancellery' [the Austrian in Constantinople], are no longer to be found there. So far as I can learn, and I have taken considerable pains to find them, they have never been published. Pregner was ambassador from the emperor.

English consul appointed in Syria is a curious mixture of attention to practical details and of that religious spirit which was a characteristic of the age. The following passages may be quoted :—

Cousin Forster, these few words are for your remembrance when it shall please the Almighty to send you safe arriual in Tripolis of Syria. When it shall please God to send you thither, you are to certifie our nation at Tripolis of the certaine day of your landing, to the end they both may haue their house in a readinesse, and also meet you personally at your entrance to accompany you, being your selfe apparelled in the best maner. The next, second or third day, after your comming, giue it out that you be crazed and not well disposed, by meanes of your trauell at Sea, during which time, you and those there are most wisely to determine in what maner you are to presente your selfe to the Beglerbi, and other officers : who euery of them are to be presented according to the order accustomed of others formerly in like office : which after the note of John Blanke, late Vice-Consul of Tripolis for the French, deliuered you heerewith, is very much : and therefore, if thereof you can saue any thing, I pray you doe it, as I doubt not but you will. They are to giue you there also another Janizarie according as the French hath ; whose outward proceedings you are to imitate and follow, in such sort as you bee not his inferiour, according as those of our Nation heeretofore with him resident can informe you. Touching your demeanouer after your placing, you are wisely to proceede considering both French and Venetian will haue an enuious eye on you : whome if they perceiue wise and well aduised, they will feare to offer you any iniurie. But if they shall perceiue any insufficiencie in you, they will not omitte any occasion to harme you. They are subtile, malicious and dissembling people, wherefore you must alwayes haue their doings for suspected and warily walke in all your actions : wherein if you call for God's divine assistance, as doth become euery faithfull good Christian, the same shall in such sort direct you as he shall be glorified, your selfe preserued, your doings blessed, and your enemies confounded, which if contrarywise you omit and forget, your enemies malice shal be satisfied with your confusion, which God defend, and for his mercies sake keepe you.

Shortly after his arrival Harebone appears to have obtained a promise from the sultan that if Queen Elizabeth would attack Spain in the Atlantic, he would send a great force for the same purpose to the Mediterranean coasts of Spain. The letters from Harebone and his successor Sir Edward Barton show that nothing was done to give effect to this promise. Two years later, that is in 1585, a similar promise was made in writing. But in spite of continual reminders all attempts to move the Turk were fruitless. Letters written, as we shall see, at a later period give an explanation such as must often have been applicable to Turkish delay. Bribes distributed among the Turkish officials secured their support. The Spaniard with his newly acquired American wealth could pay more to the ministers than other powers could or would.

On 9 Nov. 1587, the ambassador, or *orator* as he was officially

termed, wrote a letter which shows to what extremity he was driven for further arguments. He deliberately states that as he has informed Elizabeth of the sultan's promise, his enemies are making capital out of its non-fulfilment, are alleging that he has deceived his royal mistress, and that he fears to be recalled and to be beheaded for his deceit. He makes appeal for an alliance against 'the common accursed enemy,' an alliance to root out 'the idolators.' The appeal to Sultan Murad as to one whose power has been given him for the express purpose of destroying idolaters, and the warning not to incur the anger of God by neglecting to take advantage of the exceptional chance which the time offered him, must have been one which Harebone from his personal knowledge of the sultan judged likely to be of especial force. The letter, of which I give here a translation, is a bold and impassioned appeal which shows what great importance was attached by the ambassador at least, and presumably by his government, to Turkey's aid.

It pleased Almighty God that a solemn treaty should be made through me between my Sovereign Lady the Queen of England and your Imperial Majesty, the labour of which I undertook the more faithfully and freely eight years ago in order that, to His great glory, all the idolators, our common accursed enemy might be entirely extirpated by means of the immense power granted to your Majesty. When therefore four years ago I had received from the councillors of your highness the solemn promise that if my sovereign (who was living in peace with the Spaniard, the head of all the idolators) should on her side declare war against the Spaniard, then also your Highness would make it on your side, I never ceased to pray and beseech my sovereign until she got rid of the ancient treaty and waged fiercest war both by land and sea against him. And when, about three years ago, Spain fortunately made war against the Queen proposing conditions of peace to her upon various and unjust terms never has she yielded, because I have always urged her to the contrary, promising by my letters that your Majesty would no longer delay the carrying out of your former promise but that you on your part would prepare against Spain a great force which my Sovereign has for a long time expected. Now however she has begun to doubt altogether of my fidelity since many of my enemies affirm to my sovereign that your highness is unwilling to execute your promise, in so much that I am in daily expectation of letters of recall and the loss of my head when I shall go home. Your highness will see what an unjust recompense of my excessive labour and fidelity towards your Majesty I anticipate. I beseech your Majesty by God Almighty to spare my innocency and to send, if not the whole of your great force against this idolator, at least sixty or eighty triremes to harass him in your neighbourhood from which he has withdrawn the whole of his usual army to employ it against my sovereign. As these parts of his coast are thus exposed they will be easily overrun and placed in subjection to the empire of your highness. I ask that this occasion may be employed for the glory and the increase of your empire, since my Queen upon my urging and your highness' instance will so fetter the Spaniard that he will be unable to

move and that your highness will not permit this opportunity to escape fruitlessly lest (if thou despisest His commission which my sovereign, a woman weak by her sex will fully execute) thou incur the fierce anger of God who has created thee a mighty man & the greatest of all the princes of this world for the express purpose of destroying idolators. Moreover the whole world will justly accuse thee of the basest ingratitude if thou shouldest desert thy faithful ally in her necessity because she, trusting to the friendship and promise of your highness has placed her life and her empire on account of your highness in the greatest danger in which it is possible to place them. For, on account of the refusal of my Queen to make peace with him it is now the intention of the Spaniard relying on the help of the Pope and of all idolatrous princes to utterly destroy her and afterwards when no other obstacle shall remain in Christendom the Spaniard will direct his invincible strength to the destruction of thee and thy empire and will become the sole monarch, as the Pope, who is believed by them to be an earthly God with many lying prophecies, does not cease to persuade the Spaniard, that he can make him and that he will become. But if your highness at the same time with my Sovereign, wisely and bravely, without delay, will now wage war at sea (which Almighty God, your plighted word, an opportune time, the renown of the glorious Ottomans, the sole salvation of the empire, surely invite) the proud Spaniard and the lying Pope with their followers will not only have the cup of promised victory dashed from their lips but will receive the punishment in their own person due to their rashness. Since God alone protects His own He will so punish these idolators through us that they who survive will be converted by their example to worship together with us the true God, and you, fighting for His glory will heap up victory and all other good things (9 November 1587).[6]

So far as I have been able to examine, there is a gap in the correspondence between November 1587 and 15 August 1588. On the third of the latter month Harebone left Constantinople for England and was replaced by Barton. Hammer[7] states that Barton urged the Porte to send a fleet to cruise against the Spanish merchant ships in the West Indies and to assist in placing Don Antonio upon the throne of Portugal. His information was probably derived from some of the Venetian 'Relazioni' to which he had access, and that it was correct appears from the letter written by Barton on August 15.

The Don Antonio project appears to have been very seriously entertained. Three courses were open to England, according to Barton, in order to carry it into effect. The first was recommended by the sultan, the second appeared best to Barton himself, while the third was strongly supported by a Portugal Jew in Constanti-

[6] The original Latin is stated by Hammer, vii. 395. to be found in copies of documents added to *Rapports de Pezzen*. Pezzen was a secretary of the imperial embassy, and his reports are quoted as being in the archives of the empire at Constantinople. The archives now existing in that city both at the Austrian and German embassies do not, I am informed, contain any records dating so far back.

[7] Vol. vii. 192.

nople who had evidently great influence. The first was that Don Antonio's son should be sent to Constantinople as a hostage and as guaranty that when his father was placed upon the throne of Portugal he would pay the expenses of the expedition. Barton strongly condemns this course on the ground of Turkish bad faith. The second was to send diamonds or rubies which should be paid to the persons by whose influence the expedition should be sent forth. Barton pledges himself that this *backshish* shall not be paid until the galleys have actually left. Don Alvaro Mendes, the 'Portingal Jew,' suggested that an ordinary merchant ship should be sent with some four or five pieces of broadcloth as ordinary presents without taking any news of a new ambassador. He believed that the sultan attached great importance to maintaining the good relations with England which Harebone had established, and that if Barton were to suggest that no ambassador had been sent because Elizabeth was displeased with the neglect of the Porte for four years to send aid notwithstanding that she had fought the Spaniard, the Turk would take the matter to heart. Finally Barton comes to the conclusion that the best course to adopt would be to combine both the second and third courses. The letter [8] is as follows :—

Right honnorable, havinge sent 2 Coppies of my last of the first of August I thought it uselesse to trouble your hon. wth. the thirde the rather that I am forced to intreat againe of the same matter because the Grand Signor his Hogia or scholemaister seminge to tender the prosperitie of her Maties. affaires but especiallie beinge of nation a Persian the peace tranquillitie and benefitt of his native Countrie wch. by no other meanes thinketh he maie soner procure them by causinge his maister to turne his forces to the Spaniardes hopinge thereby that troubled wth. twoe such mightie forces he should be forced to make peace wth. the one which he judgeth will soner be wth. his Countriend (?) to whome he hath bine now longe since twoe not daringe otherwise gainsaye his maisters proceadinges therein hath bine verie earnest since Mr. Harborne his departure wch. was the thirde of this preasent with me to intreate her Matie. to cause Don Antonio to send hither one of his sonnes to rest pledge for satisfaction of such charges or greater part of them that the Grand Signor should be at in sendinge forthe his Navie assuringe me thereby that he should have what reasonable ayde he would require. In wch I durst not meddle for want of order from your honr. for the reasons menconed in my last lre. but referred the same together with my simple opinion to your honnors wise consideration to be ordered thereafter and to be advised thereon as soon as possible might be for that accountinge it wilbe the middle of October before the arrival of theise and Januarie or Ffebruarie before I can have answeare it beinge then time for preparacon here for the sea it wilbe requisite wth. speede to have your honnors orders how to proceeade for

[8] This letter which, I believe, like all the English letters, has never been published, exists in the Record Office.

wch. I thought it necessarye brieflye againe to sett downe the same of my foresaide last letter reducinge the same into three propportions the First beinge the Counsaile of the Grand Signor his maister to send hither one of the sonnes of Don Antonio, the second under yor. honnors correction my opinion not sendinge him to send the bribes onlie I menconed in my Former being 3 or 4 Rubies or diamondes to the value of 3 or 4 thousand poundes and the thirde the advise of Don Alures Mendas [a] Portingall Jewe her Mats. most affectionate servant to sende a shippe onelye of merchandise wth. some ordinarie preasants of [illegible] without mencion of new Ambassador to kepe theise in suspence whither her Matie will continewe the league or not. The first as I formerlie have saide is no lesse full of danger than expence for that besides the great bribes Don Antonio his sonne must of necessitie bringe wth. him as well for the Grand Signor as Bassaies [pashas] he must make large promise to both vppon condicon they restoare his father to his kingdome wch. they will hardlye accomplishe with 80 90 or 200 gallies more than wch. I doubte in such case they will not sett out and yett returninge home the interprise unfinished contrarye to the condicon made will demande I feare havinge their will for Lawe the whole some promised uppon his fethers restitution seinge they made theirs expences in his Fathers behalfe and requeste, and will not suffer the sonne departe till full paiement thereof wch. would turne to the dishonnor of her Matie. and great discontent of Don Antonio theise in the meane time makinge a jiste of both. If they perceave it will yeald them anie small lucre wch. they onelie honnor and worshippe not esteminge howe onhonnestlye or ongodlye soever they come by it so that thereby small fruite is to be expected unlesse her Matie. send forthe also her highnes fleete in favour & compagnie. If so it pleased her highnes of Don Antonio to sett him a Land wth. convenient Power in what place of Portingall should be thought meetest whereby ayde and favour as well of the one syde as of the other putt into possession & his kingdome mighte easelye complie wth. his large promises to theise and consequentlye redeme his sonne wch. is the surest thoughe chargeablest waie the securities of his sonne being provided for by tendringe the sonnes promises in Venice or other sure place in league and friendshippe wth. her Matie. and the deliverie of him made in the same place and instant in like case but yf your Hon: thinke it of sufficient importance to cause this fleete to be sett forthe the next springe against the Spaniarde, but that the sendinge forth thereof will countervaile the charge of the said stones without which or the like your honnor hathe formerlye perceaved how little is to be expected of theise. I durst take vppon me by them to assure yor. honnor to procure the same or to be answearable for the full value of them meaning not to dispossess myselfe of anie parte of them till they shall have sent their Navie to sea. As for Don Aluaro Mendes his opinion I esteme is noe lesse pollitike then effectionnate knowinge for certaine that the Grand Signor hath great accompte of the frendeshippe league and amitie wth. her Matie. whereby if a shippe should come hither wthout shewe of knowledge or tydinges of an Ambr. the Grand Signor would be in a great doubte of her highnes mynde I objectinge the mane fould bennefitts her Matie. hath done for him and his Empire & the infinite

charges which theis 4 yeares space she hath sustayned and yett is as vppon his request and quarrell it would make him enter into the deper consideracon thereof and perhappes cause some amends of former defaults but yf both the one and the other might be sent I meane both the shippe and the foresaid stonres therein without doubte we should prevaile verie mutch thereby for by the cominge of the shippe as before I saide they should all be in suspence of her Mats. mynde and by the stones beinge of extreame avarice even brought to condescend to grannt vs what soever we should desire the shippe not beinge anie charge to her Matie. but to the Turkie Companie to send hither wth. commodities and her Matie. to bestowe onelie aforehande vppon theis hungrye dogs the foure or five broade clothes by which I might have better occasion to goe and conferre severallie with them of everie springe.

EDWARDE BARTON.

15 Augt. 1588.

A fortnight later Barton wrote another letter from Pera which contains several interesting passages. He commences with what he calls a 'briefe discourse' about the countries adjoining that of the grand signor, and this with the object of explaining what he has to suggest later on. First, he takes Persia, where the shah has resigned in favour of his son who, attacked by the Tartars, is yet bravely resisting, and maintaining war also on the Turkish frontiers. The king of Poland is supporting the Cossacks against the Tartars. The Venetians have captured the galley of Ramadan Pasha 'with infinite treasure in it, even the whole ritches of Fez and Tripoli in Barbarie which he had sacked.' They have also killed two hundred janissaries and spahis and rased a fortress which the Turks had built somewhere near Zara. Whether this latter exploit has been concealed from the sultan, or whether he purposely shuts his eyes, Barton cannot say, but he is confident that once the Persian war is got rid of, the sultan will not be bound by his own law to maintain his treaty of peace with Venice.

Having explained the situation outside the dominions of the grand signor, he assures his government that neither he nor his lord ambassador (who, as already mentioned, had quitted Constantinople) had ever seen or heard anything otherwise but that the grand signor has always a friendly affection towards her majesty and a great desire for her majesty's prosperity. The reasons for this friendly affection are first 'for the meruaile he hath of her Majesty's sex to be ruler of so valiant a people and wisdom to govern them so politikelye,' and second, 'as especially for that [neither] her Majestye nor hers worshippe idols as other Christians which brings them into great contempte to him & his.'

The rest of the letter, in so far as it bears on the subject before me, is as follows:—

The venetians also at times have placed [? played] theire parte as three yeares past by takinge the gallie of Romadan Bassa wth. an infinite

treasure in it even the whole ritches of Fessa and Tripolie of Barbarie wch. he had sacked and now lately by killinge 200 Janissaries and Spahies and rasing the foundacon of a castle wch theis had built 5 foote hye in their owne territories betweene Zara and Sabernio the former of wch. injuries was remitted for the expence of a little monney, the latter as it is saide never came to the Grand Signors eares so that whither he be ignorantlie blinde or subtillie wincke I cannot tell once this I am sure when the Persian warre ceaseth he hath such sufficient quarrell against everie of them as there is none that can assure himself of his favour yea be they knitt in never so firme league he is not bounde by his lawe to maintayne the same longer then shall stande with his profitt and advantage and doinge otherwise offendeth against his divelish prophett Mahumets commandement. Havinge thus brieflie sitt downe theis things I thought it alike necessarye to informe your Lo: of the affection of theis men to her matie and determinacons for her maties affaires. And first as touchinge the Grand Signor neither my L: Ambr. or I ever heretofore sawe or could heare anie other wise but that he hase allwaies a frendlye affection towards her matie and a great desier of her ma^{r}. prosperitie and happie successe and this as well for the meruaile he hath of her mate: sexe to be ruler of so valient a people and wisedome to gouverne them so pollitikelye as especiallye for that her matie: nor hirs worshippe not idols as other Christians wch bringe them in great contempte to him and his. Insomuch that he often hath desired the furtherannce of her mats: enterprises by sendinge out his navie against the k: of Spain, had not his viceroy or rather vicereys poysonned with Spanishe pelfe likewise inchannted him to the hinderance thereof, whoe to shew themselves lesse no wise Counsailers then faithfull servants persuade him continewallie therefrom as well by the troubles of Persia as also by the terror of the Spanishe power whome they to feare informe that yf he shold hinder his enterprises in Christendome he wold make a small peace with them and bend all his forces uppon theis parts, preferringe against their dutie and truth the Spaniardes power above theire maisters and thereby sell like traytours for their owne private gaine the honnor of their maister and amitie of her matie neither is this propper to one alone of them but common to all in generall, and yf anie seme to have better affection then other to her mate: proceeadinges it is either for that he hath not so great a bribe as his fellowes or els by enterprisinge anie thinge in her maisters behalfe hopeth for greater bootie and no mervaile for how can anie borne of soe base and unknowne parentage, nurtured in such blasphemous heresies and brought up in most detestable wantonnies and vice come either to the true worship of god knowledge of themselves or carefullness of the honnor of their maister or benefitt of theire countrie whereby it hapeneth that such milke as they sucked of their maister [*sic*] in Saraglio being infants such fruite yea and worse yf worse maie be doe they yeld him when they come to beare rule Soe that notwithstandinge the Grand Signor's late promise uppon her mats: last letters to send his ayde in her highnes and Don Antonio his behalfe against the k: of Spaine this next Springe yett there is small hoape of anie performannce thereof yf first eyther the Persian warres cease not or the barkinge mouthes of their cerberous whelpes be not stopped which the Grand Signor his scholemaister wiselie by his experience and knowledge of their trayterous

nyndes forseinge, counsaled the Lo: Ambr: to procure Don Antonio to send hither one of his sonnes for pledge of 200,000 duccatts towardes the charge that shold be defrayed in sittinge forthe the navie whose counsaile thoughe it came of good affection to the prosperitie of her mats: affaires yett is of no lesse extreame expence the perill to the whole kingdome of Portingall and particularlye to him that shold come for pledge to theise, perill in that beinge Infidells it is to be feared least the Grand Signor detayne him continuallie in his Custodie under the coulourable savouringe of whome he might at his pleasure fraudulentlye (as it were) in his just cause take occasion to invade the kingdome of Portingall and consequentlye usurpe the establishinge of the kinge futurelye to himselfe retayninge allwaies for that cause the nighest of bludde to the prince or crowne in his power, as by experience wee see he dealeth with the Tarter of whome formerlye the one brother cominge to require ayde against the other he sent forth his power in his furtherannce, placed him in his kingdome and brought the other brother to be there resident, till either the placed did die or did displease him. . . . The expence also that should growe hereof would be verie great beinge not sufficient to make large promise onlye to the Grand Signor but his Viceroys also as I sayd before must have their bribes insomuch as they onlye have bine [been] and are the hindrance of that enterprise which otherwise before this time the Grand Signor would have accomplished and therefore because of necessitie the matter must pass throughe their hands before it come to the Grand Signor they must be pleased which will not be with a small matter but with promise at least of half so much as is promised to the Grand Signor besydes the bribes which presentlie uppon his arrival hither he must of custome give them before they grannt him anie audience which expence I meane the one and the other would amount to no small somme of monney vnlesse your ho: make such recconninge as the Pistolets did whoe havinge in like extremity promised more than was thought he could performe answeared yf we winne wee will paie them with the spoyle of our ennemies yf wee lose wee are freed of your promise of which opinion yf I thought your honnor were then would I thincke it more convenient to send hither as privelge as might be some man of accompte belonginge to Don Antonio, well knowne to Don Aluaro Mendas Portingall Jewe here resident in good favour with three or four Diamants or Rubies in Rings to the value of three or 4 thousande poundes to be given to theise for preasants yf they procure the goinge forth of their maisters navie And Don Antonio his letters besyde secreatlie to the Grand Signor the viceroy, Mehumet Bassa the Beglerby and Hassan Bassa Admirall promisinge great rewardes yf they restore him to his kingdome, I wold I saie thincke that wee shold then preuaile therein, and doe assure your honnor vppon my perill to answeare the said stones yf the flute goe not forth, meaninge onelie to shew them with faire promises and not to give them till the navie be at Sea, prouided that your honnor cause them to be consigned to me and him that shall come to be ordered by my direction and lodged in my house least accompanninge himself ignorantlye with others of the Spanish secte fewe favouringe our proceadings and disclosinge the secrecy to them not onely bewraye but hinder our enterprises and by this meane as the perill is small so will the experience be as little yf your honnor

esteme that the settinge forth of the abouesayde stones, the condicon beinge in briefe on this sorte that if they restoare Don Antonio to his kingdome then besydes the sayde stones to have what shal be promised by his letters, and yf they send forth this Armada to molest those places thoughe they cannot obtaine theire purpose to restoare him yett to have the sayde stones without anie challenge of further promise, and the thirde condicon I assure your honnor I will adjoyne and maintaine that if they send not forthe the navie they shall have nothinge for I wilbe answearable for the whole valewe to them, wishinge that no mencion in anie letters either from Don Antonio or her matie in his behalfe which wold be verie necessarie should be made to them but to leave them to mine and his disposinge that shall bringe them to give when wee thincke metest and to whome we shall see best deserve them, but yf your honnor doe not favour this deuise without which as your honnor hath hitherto partelye perceaued there is hence little furtherance to be hoped, yett assure your honnor that my experience and practike in this countrie havinge opened me more gates than one to the Grand Signor I will soe labour as that your honnor shall well perceave my dutifull endevour and diligence in her Mats: affaires to the vttermost of my power in no small iott to be wantinge yea and perhappes throughe the hope that I have of gods favourable assistance effectuate more then is expected of me havinge writt the foresayde not for Counsaile but for aduice to your Ho: referringe the whole to your wise consyderation beinge readie to order myselfe and all my affaires accordinge to your Honnor's direction which I expecte so much the more spedelye by howe much the time is more short makinge accompte that it wilbe the beginninge of October before theise come into your honnors handes, and that in ffebruarie it wilbe expedient to heare your honnors resolution, because at that time order is given and prouision made here for settinge forth the navie against ensuinge for that in tyme havinge your honnors order I maie both more securelye and carefully to knowe howe to proceade, desiringe your honnor for the present discourse and pardon my boldness and not to [illegible] my rudenes therein beinge as I must nedes confesse never much acquainted with the inditinge of the former letters sent to your honnor butt onelie exercised in the brabling matters of this heathenishe barbarous courte which hitherto never wanted havinge gott thereby more experience and knowledge of the estate of the countrie then eloquence to describe the same, yet hope hereafter throughe dilligent endeavour to waxe more perfect to your honnors better contentation therein, comendinge in the meanetime my self and all my dutifull service to your honnors disposinge.

Rapamet, the last of August 1588.

After explaining in this letter that he can do nothing unless he is authorised to bribe some of the ministers, that the viceroy is poisoned with Spanish pelf, and that it is dangerous to send one of Don Antonio's sons as hostage for the payment of the expenses of the fleet, since it is a common trick to get a hostage and then squeeze his relations, Barton suggests that some man belonging to Don Antonio's party, and also well known to the Portugal Jew, Don Alvaro Mendas, should be sent to him with three or four

diamonds or rubies set in rings, worth 3,000*l.* or 4,000*l.* These are o be used as 'presents, if they procure the goinge forth of their master's navie.' The messenger is also to have letters from Don Antonio making promises of great reward to the grand vizier, the beglerbey, and the admiral, 'if they restore him to his kingdom.' With these, 'I would, I say, think that we should then persuade them therein.' The like arguments are still not seldom found useful in Constantinople. Three contingencies had to be provided for: Don Antonio might be restored by the fleet. The fleet, called 'Armada' for the first time in these letters, might go to sea, but fail in restoring him. Lastly, the fleet might not go to sea at all. Barton foresees and provides against each possibility thus:—'the conditions being in brief of this sorte that if they restore Don Antonio to his Kingdom, then, besides the said stones, to have what shall be promised by his letters, and if they send forthe this Armada to molest those places, though they cannot obtain their purpose to restore him, yet to have the said stones without any challenge of further promise; and the third condition I assure your honour I will adjoyne and maintaine, that if they send not forth the navy they shall have nothing; for I will be answerable for the whole value of them.' The business is, of course, to be kept secret, but the suggestion is the best he can make. He hopes it will not be taken as put forth with rudeness, but he has gained experience 'in the brabling matters of this heathenish barbarous court,' and it is submitted for his honour's resolution.

So far there is not a word to show that tidings had reached Constantinople of the week's fighting in the Channel during July and August, or even of the setting sail from Spain of the famous Armada. This need not surprise us. In both these letters, he counts two months as necessary to get news conveyed to England. Readers of the life of Lord Stratford de Redcliffe may recall that his ship was nearly two months at the Dardanelles before a wind blew which enabled her to make the passage. During the next fortnight, however, some information had reached Constantinople, and was evidently of a disquieting character. The next letter is singularly interesting as showing at once the confidence of this Elizabethan Englishman and at the same time his anxiety about the news which had arrived, though only from Spanish sources. Like Stratford Canning during the Napoleonic wars, he was left almost entirely without instructions or even tidings from England. He is convinced that the news coming in is 'forged fables.' But he 'has nothing to allege against the tellers, saving the reasons I myself frame upon the mercies of God,' but nevertheless his confidence is strong in the 'sure hope I have of His mightie defence of His little Mount Sion.' The 'great Armada and wonderful preparation are

sufficient, as some sycophants here say, to bring England away in ballast.' He is still asking for the fulfilment of the many promises made to him and to Harebone and believes they will be carried out 'when God shall send desired news of her Majesty's Victorie over his huge stamped [*i.e.* officially named] Armada, the very fame of which hath stricken such a marvel yea terrour into these [Turkish pashas] that not the Victory but the Government of the realm they despair of.' Barton is doing his best to make out that England's strength is equal to that of Spain. He mentions that he has called attention to England's former victories, to the queen's preparations, to the superior build of our ships, the cleverness of our seamen. Still, he cannot prevail to move them from their hostile opinion upon England's chance of success, though that opinion is based only upon false advices sent weekly by England's adversaries. These speak of the overthrow of England's fleet, of the landing of the Spaniards in Scotland, of a conspiracy between the Spaniards and the king of Scotland, of the capture of Berwick and four other fortified towns, 'with infinite such like.' When he ridicules these statements to the pashas, they laugh at him and tell him it is of course his business to show that his mistress has not been beaten. But he has no news from home and can only deny the enemy's news without being able to give an account of what has happened.

The allusions to the tampering with the coinage and its effect upon commerce, to the corruption of the pashas, to the misery of the subjects 'of the dissolute reckless government whose empire I hope is on the Wane,' are also interesting as showing that Turkey has changed little during the last three centuries.

The following is the principal portion of the letter:—

Since the writinge of the above, I had fitt opportunitie to visit and conferre with the new Admirall Hassan Bassa about such things as were necessarie for the furtherance of her majestie's affaires whome I founde noe lesse frendlye in wordes then bountefull in promise to remaine alwaies a most faithfull minister and executor of her ma^{ts} desires complaininge verie mutch as well of the covetousnes of his maister as also the treacherie treason and vnfaithfulnes of the Bassaies, the one lothe to be at anie charge althoughe he see his Empire by his gredie avarice goe to ruine, the other sellinge for their priuate commoditie as well the honnor of their master as also the welfare of his subiects and countrey; all things goinge to racke by reason thereof in a most shamefull sorte especially the monney beinge so base they favouringe the clippers and counterfeters that by reason thereof not onelie all merchandise is risen to the trebble value of that it was 4 yeares agoe but also the victuell which had wont to come in great abonndannce to this cittie beinge formerlye so served as none better is now retayned by reason of the naughtye monney, everie one refusinge to bringe provision therto least havinge sould that which they brought with great perill and charge they shoulde be forced to take theis false monney therefore which would turne

to their great losse not beinge able to passe the half thereof. Hassan Bassa also estemeth to have gained little by the obtainement of the admiraltie yf as his predicessors were he be kepte at home from his yearelye excursions especiallie being depriued by the follie of Ebrahim Bassa of the chiefe gaine which did belonge to the said office as namelye the Government of Pera, of Gallippolye or Hellespontus and besides the preferment of all the Byes borderinge on the Sea coast, the reueneues of which amountinge vnto a great somme of monney, Ebrahim Bassa beinge admirall presented to the Grand Signor whoe since takinge the swetnes thereof will not againe part therefro soe that thereby the admiraltye is raither a charge than a proffitt vnto the said new Admiral yett the viceroy and Bassaies houeringe notwithstandinge over him and eatinge on him as the raven over the carren, inventinge besides all the meane possible to bringe his former government in suspicion and fauouring priuelye all them that oppugne the same, whereby constrained to recur and cleaue to them they inritche themselves and impoverishe him and this by 2 especiall stratagems the one by retayninge Sinan Bassa late viceroy in Scuderie whome a yeare and halfe since made Bassa of masco [? Damascus] and after depriued thereof now returned to Scuderie to obtaine license to passe over into Europe to his farme and liuinge they dallie and dissemble with all counsailing and incouraginge him to aske the Admiraltie puttinge him in hope to obtaine the same and on the other side terrefie Hassan Bassa tellinge him of the great favour and liberallitie of the other, meaninge thereby not to fleece him onelie but even to share him bare, maintaininge privelie certaine accusors whoe affirme that he beinge Beglerbye of Argier did intercept at 3 or 4 seuerell times certaine presents the k: of Fess sent to the Grand Signor and killed by priuie sleight the Ambrs: that there might be none to enquire further of them, by theis and such like meanes they dailie sucke him and I doubt will not cease till they have made him drie; hitherto he hath shewed manefest tokens of his good affection to her matie as well in his dailie communication with the Bassaies commendinge and extollinge her matie and preferringe her power and frendshippe above all others christien Princes as also in the redemption of a pore Inglishe captive whome I hearinge to be in the gallies that come with him from Tunis, and demandinge his libertie without other question he comanded to be taken out of the chaines and delivered me promisinge in short time soe to indevor that there shoulde not be one Inglishe captive left in Turquey protesting moreover that as all the world sawe a mortall enmitie betweene the deceased Admirall and my predecessor so will he have them alike see a most firme and perfect frendshippe betweene him and me encouraginge me to stirre up the Grand Signor and to be mindefull of his manefould promises to her matie for the furtherance of her affaires against the Spaniarde, promisinge that he likewise will not cease as occasion shall serve to preserve the same as I also doe not omitt often to advertise the Grand Signor and Bassaies thereof, and will more effectuallie performe the same when god shall send desired newes of her matie's victorie over his huge stamped Armado the verie fame of which hath stroken suche a meruaile yea terror into theis that not the victorie but the gouvernment

of the Realme they dispaire of, and though I doe not desiste to persuade the contraire by comparison of her maister's power with the Spaniards prouinge the same to be nothinge inferior to his, then by example of former victories, and the great preparacon her matie hath made against them, then the vantage of our shippes beinge all warlike and the cunninge and courage of our marriners yett being but one Micheas against so manie Ballaints I can nothinge preuaile to move theis from their obstinate opineon, grounded onelie uppon the false aduices our adversaries send hither every weeke sometimes of the overthrowe of her majestie's fleete other times of the landinge of the Spaniards power in Scotlande then of the conspiracie betweene the Spaniards and k: of Scotts then of the taking of Barwicke and 4 other Castells more within the Lande with infinite such like which goinge about to improve are not onelie little credited but even laughed at, they alleadginge to stoppe my mouthe that it is my parte soe to maintaine the credit of my prince and countrie, and were it not that Don Solomon Abyminois, Portingall Jewe, formerlie called Don Aluaro Mendas, doth maintaine and confirme my reasons against the false information of our adversaries I should hardlye have the face to visit anie of them havinge no advises of her majesties proceadings and prosperitie of my countrie but such as I heare from my enemies be forced to sue to them therefore which is a great prejudice to her majesties creditt and hinderance to my proceadings there, my enemies prevailinge with their forged fables I havinge nothinge to alleadge against them sauing the reasons my self frame uppon the mercies of god, and sure hope I have of his mightie defence of his little mount Sion which thoughe at the lengthe his name be praised therefore they prove true, yett in the meane time my adversaries obtaine theire desires to terrifie the Grand Signor and his from favouringe her majestie as now they have prevailed in the former and especiallie this last yeare in time of Mr. Harborne sending hither continuallie libells stamped of his great power, his great Armado and wonderfull preparacon sufficient as some Sicaphants here saie to bringe little Englande awaie in their ballist, fedinge the Grand Signor with theis like even all sommer the viceroy favouringe them therein even till manefest knowledge be published thorowe the worlde of the contrarie, and the time be here spent and passed of their vsuall provision or settinge forth to sea whereuppon vnder your honnors correction I thincke it verie necessarie that at the least so longe as theis warres last with the king of Spaine aduises be vsuallie sent to me or other that it shall please her majestie to appoint in my place, as they be monthlye yea in troblesome tymes everie fortnight and oftener as well to the Hungarien, ffrenchs, venetien, Ragusien and others the proffitt whereof your Honnor maie esteme by the discomoditie of the contrarie in the passed times, and wilbe especiallye necessarie against ffebruarie next and the 4 months after followinge beinge the time here of the preparation of the navie your Honnor causinge some trustie servant to write in ffigure as well your Honnors determination touchinge my former letters of the first and fiftene of August as also order for my former proceadings therein and therewith all the aduices of such things as shall prosperously passe in those parts for the reasons above

saide, for ennemies writinge hither often of everie thinge but extenuatinge to much her majesties honnor and quallitie of everie enterprise not forgettinge also I beseach your honnor the faithfulness and affection of the foresaid Don Aluaro whome as your Honnor by your formers made greatlie in boundes so shall sufficientlie recompence for all his travaile and industrie in her majesties affaires yf your Honnor shall againe send the like desiringe nothinge els but to be assured that his faithfull seruice is made known to her majestie and here I referre to your Honnors discretion whither your Honnor shall thincke it meet perticulerlye to mencion her majestie and your Honnors gratefull receipt of the affection he performed in time of the deceased Admirall whoe havinge mortall enmitie with my predecessor sent 9 Inglishe captives whome the Grand Signor had commanded him to sett at libtie to the foresaid Don Aluaro for a present whence he havinge well interteyned and refreshed in his howse incontinentlie sent to Mr. Harborne not without some expence vppon the Admiralls men that brought them.

As 3 daies paste Hassan Bassa was commanded on a suddain to goe forth to Sea which before anie other the venetien Bailoe certified me of desiringe me for the straight frendeshippe he seeth betweene the said Admirall and me to inquire privelie of him the cause thereof fearinge least it should be in some enterprise preiudiciall to their state, which I as well for his request as my owne satisfaction did, and was informed by the said Admirall that it was for 2 especiall causes the one for provision of the cittie the Grand Signor havinge had intelligence that all the corne and other victuall bought whensoever in his dominions to be brought hither was by reason of the naughtie aspers carried in most great aboundannce into Christendome, his owne subiects in the meane time famishinge for the want thereof, the said Hassan Bassa havinge full authoritie to hange and burne all the offenders therein and their goods, havinge beside commandment that the aspers be they never so false bad or clipped shall passe currantlye, and yet withe the same commandment went another allso that the pore people his subiects and others shall not paie for tribute taxe or other dutie to the king other then dollers or duccatts of gould which is a sore rackinge to the porer sorte whoe forced to take aspers for their goods can hardly finde either duckett of gould or doller and therefore they that goe with Hassan Bassa in this busanesse carrie great store of such some with them that seinge the pore people in extremitye they maie sell them the dollers which passe commonlie at 85 aspers for 95 and an hundred and the duccats after the same rate and yet after with the said aspers perforce buie their corne or other goods they shall have and by this your honnor maie see not onelie the dissolute reckless gouvernment of theise whose Empire I hope is in the waine but also the confirmation of my forsaid assertion of the miserye and penurie they be brought to of victuall beinge forced to send theire Admirall (a thinge formelie never sene) for redrese thereof.

The seacond reason of his goinge forthe as he told me in seacret is for that he heareth saie that Andrea Dorea after Hassan Bassa his departure from Tunis sent letters to the king of Spaine certifieinge

him that yf it were his pleasure he would goe this sommer against Tunis and was in good hope yf not to take it yett to doe some singular exploit there and that he should heare the said Andrea Dorea to be licensed thereto by the king havinge with him 30 or 40 gallies which Hassan Bassa fearinge for that his wiefe and all his treasures is yett there remaininge cominge hither in hast not knowinge certainelye what the Grand Signors pleasure was touchinge his preferment maketh all the speed he can to goe forthe havinge here readie 20 gallies and Recep Bassa whoe hathe the guarde of the Archepellago other 20 with which he will wyne and hearinge further of Andrea Dorea his mynde will goe against him together with all the corsres of Argia Tripolz and Tunis, this he told me but for that winter is so nighe I thincke Andrea Dorea will neither make anie such enterprise nor Hassan Bassa make soe great a iourney.

EDWARDE BARTON.

13th Sep:

A letter was sent by Barton to Walsingham on 28 Sept., but apparently this letter is not in existence. On 12 Oct. (1588 always) he writes again referring to such a letter and setting out his 'great hopes' of a fleet being sent to attack the Spaniard. He is concerned at the approaching visit of a certain Jew who is coming, he understands, as an agent from Don Antonio. It would be interesting to learn where the Don was, because Barton states that this information comes from England. The Jew's object is 'to procure and sollicite on Don Antonio his part the Grand Signor to further his restoring to his Kingdom.' Don Alvaro Mendas (the 'Portingale Jew' already mentioned) takes it 'somewhat greviously that Don Antonio, forgetting his former faithful service,' should employ another, especially as the other has little influence with the Grand Signor and is known to be 'more than suspected to favour the Spaniard' and even 'known to depend on him.' The man frequents the houses of 'our mortall adversaries,' the emperor's, the French king's, and the Venetian ambassador's. Mendas on the other hand has always been faithful, and has required nothing in return for his services except recognition of their faithfulness. The position is an awkward one for the ambassador, because he cannot trust the newcomer, tell him his views, or follow his advice, but of course if he is credited as an agent he will do his best.

Don Alvaro assures him of the 'resolute mind of the Grand Signor to send forth this year a great fleet.' The pashas assure him also that this is true. He has been so often deceived that he will not in this letter guarantee the statement, but he promises that in his next letter he will be able to give the truth. He however, can say that he has now better hopes than ever before, 'by divers credible signs' of Hassan Pasha, the minister of marine.

Another letter of Barton's exists, dated 25 Oct., and there are others of 9 and 23 Nov.; but though they contain interesting

information regarding the condition of Constantinople and the wars going on around Turkey, no mention is made of the confirmation of the promises regarding the despatch of a fleet. They show that the sultan was under the influence of the beglerbey, that it was next to impossible to obtain access to him, that the empire, especially in North Africa, was in a state of revolt, and that there occurred the periodical massacres that have formed pretty regular incidents of Turkish rule. For the present purpose they may be disregarded.

Barton seems now to have determined to address the sultan, Murad III, directly, to remind him of his promise and urge its fulfilment. One of the excuses put forward against sending out a fleet had been the difficulty of finding a naval commander with sufficient skill to take charge of a great fleet. Such a commander Barton claims that his majesty has now found. He accordingly wrote a letter, a copy of which is given by Hammer who states that he has taken it from the 'Rapports' of Pezzen.[9]

The letter bears date 30 Nov. 1588, and is to the following effect.

Your Highness promised in three letters to my Queen that without fail a naval expedition should be made ready and should be sent to the aid of my Queen against the King of the Spaniards. In the hope of which promise the queen (although in consequence of the embassies from the King of Spain she wished to begin) expecting that Your Highness would have carried it out, yet no indication of such execution on your part has been made up to this time. Many times we have reminded Your Highness's counsellors and as often as we have spoken of your promise, they have replied that they had no capable Captain. But now praise be to God Your Highness has obtained a Captain than whom a more capable, wiser or more sagacious, the Turkish nation never had. This Captain was trained at sea, knows well the nature and customs of men and the places to be attacked. The present time therefore is opportune and long sought for. Indeed Your Highness knows what my Queen, unaided, has done against so many enemies; how during four years she broke up and destroyed the equipment of such a Prince as is the King of Spain (who is the greatest of the Princes of Christendom in this age) with her small equipment and this although she had no aid out of these parts. Far from me the doubt not only that she will defeat his equipment but even that she will capture much of it. I most humbly therefore entreat Your Highness that Your Highness will not allow this moment long desired and rare opportunity to be lost but that you would deign to send out in the coming summer an energetic captain with not more than a hundred galleys. The upshot will be that the Spaniard finding himself unable to carry on war in two places will leave at the mercy of your soldiers unlimited loot and Your Highness will gain possession of many Kingdoms. May your clemency deign then to inform me your servant clearly what

[9] See note 6.

may be your intention that I also may be able to inform my Queen, on whose behalf I take upon me and promise most absolutely that if she has knowledge of even a small force in aid coming from your direction, on no pretence and on no conditions will she make terms with the Spaniard (30 Novr. 1588).[10]

Considering that the famous fight in the Channel had been from 31 July to 9 Aug., it appears at first sight difficult to believe that trustworthy tidings had not reached Constantinople before the last day of November. We have seen that lying reports had been spread of English defeat, but there is no reason to doubt the fair inference from this letter that no news of the destruction of the Armada had been conveyed so far east. Mr. Froude has recently pointed out,[11] that when the duke of Medina Sidonia wrote to Philip on 21 Aug. amid the Atlantic rollers he still 'believed that he was bringing home his charge at least safe if not victorious.' He arrived in Spain on 22 Sept., but the extent of the disaster which had befallen his scattered fleet was not known till three or four weeks later. When it is remembered that Barton in a previous letter allowed two months as an average time within which to receive news from England, it will occasion no surprise that Barton should know nothing definitely about the defeat of the Armada at the time he made the above appeal to Sultan Murad.

[10] The original as given by Hammer is as follows:—

'Clementissime ac Potentissime Sulthane,—

'Ternas iam Reginae meae per litteras Celsitudo vestra promisit, quod scilicet bellum navale suum praepararet, et in auxilium Reginae meae contra Regem Hispaniarum mitteret. Cuius promissionis spe Regina mea, quamvis per legatos a Rege Hispaniarum inire voluit, expectans Celsitudinem vestram promissis suis satisfacturam. Nullum autem indicium promissionis ad hoc usque tempus apparuit. Quotiescunque Consiliarios Celsitudinis vestrae adiuverimus deque promissione vestra comunefecerimus Capitaneum aptum non habemus, inquientes relationem dederunt. Nunc autem laus sit Creatori Celsitudo vestra Capitaneum nacta est, quo aptiorem, sapientiorem, sagacioremque natio Turcica nunquam habuit. Educatus in mari hic Capitaneus est, naturam et mores hominum, loca invadendi novit optime, tempus autem praesens est optatum, et a multis seculis expectatum, siquidem Celsitudini vestrae est notum quid Regina Mea sola hostibus suis tantis fecerit, quomodo apparatum quatuor annorum tanti principis utpote Regis Hispaniae qui isto aevo omnium principum Christianorum est maximus, parvo apparatu dissolverit et confuderit, quamvis nullum autem auxilium Regina mea ex parte hac habuisset, procul dubio non solum apparatum illius dissipasset, sed etiam Regina plurima illi eripuisset. Quare Celsitudini vestrae supplico humillime, ne tempus hoc optatum et occasionem nactam Celsitudo vestra in vanum transire patiatur, sed instructis non pluribus quam centum triremibus aestate futura, Capitaneum strenuum emittere dignetur, quo fiet, cum Hispanus in partes duas bellum suum dividere nequeat, milites Celsitudinis vestrae praedam infinitam reportabunt, Celsitudoque vestra Regnis multis potietur. Quid clementia Celsitudinis vestrae declarare velit, manifeste mihi, mancipio suo, significare dignetur, ut ego quoque Reginam meam certiorem reddere queam; ex parte autem Reginae meae ego in me recipio, certissimeque promitto, si modo exiguum auxilium ex parte Celsitudinis vestrae intelliget, nulla ratione, nullisque conditionibus foedus cum Hispano initura sit. Ultima die Novemb. 1588.'

[11] *Longman's Magazine*, p. 38, Nov. 1891.

On 3 Jan. 1588–9 Barton wrote to his government to account for the fact that nothing had been done by the Porte in fulfilment of its promises. The letter shows the hostile influences with which he had to contend, and at the same time how constant the pressure had been to endeavour to induce the Turk to send aid. These influences were due partly to bribery and partly to the disturbed condition of the neighbouring states.

The 'viceroy'—possibly the governor of Constantinople—was receiving a bakshish of sixty thousand ducats annually from Spain, and was therefore hostile. The Persian war was the excuse for not sending a fleet. The viceroy was doing his best to prevent peace with Persia so that the Sultan should not be free to attack Spain, and was hinting at difficulties with Poland and Muscovy. Barton had applied for a hundred galleys, but none had been sent, though preparations for sea had been pushed forward, and Hassan, the capitan pasha or minister of marine, was favourable to the proposal, and hoped that a rising in Tripoli in Barbary would compel the sultan to send a fleet which could be used also against Spain. They 'all gave me fair words,' says Barton, but he 'sings continually to deaf men,' and 'the furie of the preparation is alayed and the grant for expenses is recalled.' I give nearly the whole of this letter as showing what were the difficulties with which the ambassador had to contend. The original is in the Record Office.

It was not for nought right honnorable that I tearmed theise in my last of the 21 december the children of Protius being no less unconstant than the wynde itselfe, for rather in my said letters I advised your honour of the expected peace act of Persia, and earnest preparacion here for the sea, now the quite contrarie is happened for not onelie the Persian his sonne is returned algther for that he made a peace onelie to deceave that of his cominge hither which is most like, or tooke displeasure as it is reported that notwithstandinge the intreatie of peace after past on the confines of Adenell and Forat Bassa uppon Gengien have done them great harme but also the Furie of their preparacion here is alayed not through defaulte of the admiral whoe desireth nothing more and dailie to the uttermost of his power furthereth the same, but by the trayterlye dealing of the viceroy whoe not only laboureth all that he maie for the continueance of the Persian warres knowing his maister troubled there will give the less care towards our request of the Navie, and consequentlye for his trayterous travaile therein enjoyeth his anciente stipende of sixtie thousand ducatts of the spaniard but also usinge the helpe and counsailes of the Emperor & Venetian Ambassadors persuadeth the Grand Signor all that he maie that the kingdome of Powlande is not yet established in the yonge kings hands but all affaires therein governed by the Senate and Peeres beinge yett in great doubte that Maximillian shall be kinge the rather for that as they reporte the muscovite is risen in his favour against Powlande and the Emperor continuallye gathereth great forces to the like

effect by which rumours they have brought the Grand Signor into so many doubtfull ymaginacions as that his former grannt of expence towards preparacon of the Navie is called in while the Grand Signor be better advised and although I cease not to exhort him thereto by manie supplicacions yett I see little proffitt to come thereof or hope that I maie trust unto though they all give me faire wordes and yf our Lines coulde but sett out therewith as manie faithes and promises as would sett out ten greater then this is like to be, some of the Chiefe of whome as namelye the Grand Signor, his schoolmaister [hodja], & his Chiefe Clarke Emike nothinge respectinge their Maisters honor, manifoulde promises to her Matie. nor yett her highnes infinite benefittes to his realme beinge continuallye certified and persuaded that her highness warres with the Spaniards was made onelie & contineued for his sake demanded of me what proffit the Grand Signor shold have by sendinge forthe an hundred Gallies. I answered yf the Grand Signor would send them in merchandise ladinge them with the commodities of their Countrey they exchannge them with the commodities of Spain, but otherwise princes were not accustomed to send out their Navies to seeke proffitt, but for defence and honnor of theire crowne and Countrie, and that it would be proffitt enoughe to the Grand Signor to have his ennemie beaten under his feete which he might quicklie see yf on this side he woulde assaile him as fiercelye as her Matie. doth on that but avarise hath stopped all their cares and I singe continuallye to deaf men. Hassan Bassa is as wearie in this Fruitles travaile as I, and no lesse Don Solomon nothwithstandinge they both but especially Hassan Bassa bad me write thus much that he did not doubte, but hoped fullie that in spighte of their harts they shall be constrayned to sende out the fleete for that as they hearde latelye that the Mores in Barbarie were risen against the Turks so shall they shortly have newes that they have taken the Castell of Tripolye which will make them awake & looke aboute notwithstandinge I cease not to persuade the Grand Signor to persist in his former determinacon, assuringe him that it will be greatlie to his honnor and occasion, that her highnes will continue her dailie proceedings against the Spaniarde otherwise protesting that the spaniarde being thus weakened, whereby no doubte to her highness exceedinge honnor and profitt he will offer large proffers of peace yf her highness accept of the same, as everie prince desireth the creditt and Benefitt of his owne realme then afterwarde he doe not saie that her Matie. hath failed in any Jott to performe all frendelye duties requisite to the establishinge of a perfect frendshippe. Theise and the like they repaie with faire wordes but my hope is all one with Hassan Bassa that by reason of the Insurrecon of the Mores in despight of their harts they shall be forced to send theire Navie to sea.

The Grand Signor hath latelie commanded the Ragusian Ambassador to durance in his owne house under custodie of a Chausa for that theire tribute formerly usuallye tendred here in September either of pollecie or negligence sometimes hath bine deferred until december sometimes till marche and later receavinge alwaies the discharge dated at the receipte from wch. they counted to the ende of the nexte yeare and rendred vsuallie the tribute 6 months after which stealthe of monthes the turks have latelye perceived and require a whole yeare and five monthes therefor, by accompte

due unto them which is the cause of his indurance to laste till advise from the Signoria.

Your honnors most dutifull to command

EDWARDE BARTON.

This 3 Januarie 1588.

A few days later, on 18 Jan. 1588–9, Barton writes again in the same strain. He could succeed if he had the hundredth part of what the king of Spain spends. Note that he is daily doing his best to incite the Turks against Philip, but with small success. He still hopes for the rising in Tripoli. The following is an extract of the parts relating to my subject:—

Right honorable by my last of the 3 of Januarie I certified your honor of the dailie exercise I vse in the incitinge of theise against the k: of Spaine, which hitherto hath wrought soe small proffit as that my associats in the same travaile throughe dispaire have lefte of, though Hassan Bassa contineweth to make great preparacon knowinge or at least hopinge that there will shortlye come such newes out of Barbarie as will make them, where nowe they will not for theire owne honnor, bennefitt of their cuntrie, complishment [compliance] with theire manie promises to her matie send forthe theire fleete against theire mortell ennemies, they shalbe forced to maintenannce of theire estates to performe the same even against theire owne subjects; of which though I have little hope with him yet cease not my sute in the meane time but continewe the same most earnestlie. And surelye yf I had but the hundreth pennye the k: of Spaine bestoweth would not doubte of the obtainement thereof. But without Cerberous have his soppe it is harde to come to the speache but harder to preuaile with Pluto.

18 Januarie, 1588.

The next letter is dated 1 Feb. 1588–9. A good ground of complaint has given Barton the opportunity of reminding the Sultan of his many promises. Ragusa was regarded as a tributary state, but Ragusa had sent four thousand mariners at the bidding of the viceroy of Naples, the nominee of Spain, to fight against England. So far, therefore, from aid coming to the queen from her friendship with the sultan, it had gone to the 'mightie common ennemie.' The sultan promised to put an end to such siding with the common enemy, and sent for the ambassador of the tributary republic. The viceroy (recipient of the sixty thousand ducats) again promises aid during the summer, but Barton admits that at the arsenal he sees no preparations, while Hassan Pasha (probably with regret at his loss of pickings out of the expenditure) again expresses his belief that nothing will be done unless the Tripoli tumult should come off. The letter is as follows:—

I was crediblye informed that the viceroy of Naples hath made open proclamation in his maister's name that all the shippes of Levant especially the Ragusians vppon paine of fire and sworde be readie to come this

sommer in his ayde against her matie which being here published I presentlie went to the viceroy informinge him thereof and complayning on the Ragusians whoe notwithstandinge they be tributaries to the Grand Signor and were commanded last sommer not to send out their shippes in favour of the k: of Spaine, yet, notwithstandinge they not onelie disobeyed his commandment therein but to shewe how much more they were affectionned to the k: of Spaine sent also with them 4 thowsande marriners, which did so much the more displease her matie for that from the Grand Signor and those subject vnto him her highness did raythor hope for ayde against the mightie common ennemie then hinderance, and therefore desired him to take order in time therefore by advertisinge the Grand Signor thereof and procure to send his straight severe commandment vnto the Signoria that vppon paine of his displeasure they doe not send forth theire shippes or permitt their marriners to goe in the k: of Spaine his favor against her matie and to charge their Ambrs: here to admonishe theire maisters thereof, perswadinge him that by this he should clearlie perceave whither they bare greater affection dutie and obedience to the Grand Signor or the k: of Spaine, and that her matie should take it verie thanckfully as a manefest token of the Grand Signor affection and desier of the prosperitie of her maister's affaires, which he promised faithfullie to doe and presentlye sent for the Ambrs. what passed betweene them as yett I cannot tell, for that as yesterdaye I was with him there about and since hearde no further of it, but will procure the expedicon earnestly. Beinge vppon this occasion with the Viceroy he again perswaded me of the preparacons of his maisters fleete against this sommer, but goinge dailie to the Arsenall I see no such likelyhoode and Hassan Bassa himself assureth me that vnless they be forced therto by the tumults of Tripoly they will not send forth one gallie.

Other for the present I have not to certifye your honor, but wish to the same all perfect fellicitie.

EDWARDE BARTON.

Rapamet the first of Februarie 1588.

The letters I have been able to use written by Barton end with the one of 1 Feb. 1589. There are others, however, in the Record Office in cipher, which ought to contain more interesting and valuable matter than the unciphered letters. I venture to think that if some one who has time to spare would tackle the cipher he would be amply rewarded. The 'Relationes' of the Venetian ambassadors which have been so highly praised by Ranke, and from the manuscript copies of which, existing in various parts of Europe, he derived so much valuable and unique information for his 'Sketch of the Ottoman and Spanish Empires in the Sixteenth and Seventeenth Centuries' and his 'History of the Popes,' would probably give other letters of Barton, and throw further light on the efforts made by him to induce the sultan to send a fleet into the Mediterranean against the Spaniard. For, as Mr. Froude has reminded us, the war did not finish with the defeat of the Armada. 'Essex went into Cadiz in 1596 as Drake had gone in 1587.' Sir

Edward Barton continued to be on friendly terms with the sultan and his ministers, and probably did his best to secure Turkish aid, after he had learned the truth about the fate of the great Armada and the preparations which hostile observers believed to be sufficient 'to carry away England as ballast.' Elizabeth herself assisted to maintain a good understanding by entering into a correspondence with the Sultan Valida. What was the character of this correspondence may to some extent be judged by the following translation of a portion of one of the Sultan Valida's letters as given by Hakluyt.

This present letter is written to the most gracious and most glorious, the wisest among women, and chosen among those which triumph vnder the standard of Jesus Christ, the most mighty and most rich gouernour, and most rare among womankinde in the world, the most gracious Queene of England, which follow the steps of the virgine Mary, whose end be prosperous and perfect, according to your hearts desire. I send your Majesty so honorable and sweet a salution of peace, that all the flocke of Nightingales with their melody cannot attaine to the like, much lesse this simple letter of mine. The singular loue which we haue conceiued one toward the other is like to a garden of pleasant birds: and the Lord God vouchsafe to saue and keepe you, and send your Maiesty an happy end both in this world and in the world to come. After the arriual of your honourable presents from the Court of your Maiesty, your Highnesse shall vnderstand that they came in such a season that euery minute ministred occasion of long consolation by reason of the comming of your Maiesties Ambassadour to the triumphant Court of the Emperour, to our so great contentment as we could possibly wish, who brought a letter from your Maiesty, which with great honour was presented vnto vs by our eunuks, the paper whereof did smell most fragrantly of contents whereof we haue heard very attentiuely from point to point. I thinke it therefore expedient, that according to our mutuall affection, in any thing whatsoeuer may concerne the countreys which are subject to your Majesty, I neuer faile, hauing information giuen vnto me, in whatsoeuer occasion shall be ministred, to gratifie your Majesty to my power in any reasonable and conuenient matter, that all your subiects businesses and affaires may haue a wished and happy end. For I will alwayes be a sollicitour to the most mighty Emperour for your Maiesties affaires, that your Maiesty at all times may be fully satisfied. Peace be to your Maiesty, and to all such as follow rightly the way of God; Written the first day of the Moone of Rabie Liuoll in the yere of the Prophet, 1002.

In 1597 Sir Edward Barton fell ill and went to the island of Halki, one of the Princes Islands, ten miles from Constantinople, an island famous as having been respected by the Turks, and allowed to be exclusively occupied by Christians down to the Greek revolution. There, possibly in the monastery over which Photius had once presided, he died. A slab with a Latin inscription, the letters of which are in relief, celebrates his devotion to her most glorious majesty, and after being lost sight of for some years was

discovered thirty years ago, when Sir Henry Bulwer was ambassador to the Porte, and by him placed in a position near the monastery where it is now protected.[12]

All his efforts, however, so far as I can learn, appear to have been in vain. The defeat of Lepanto, the war with Persia, and the rising of the subject provinces in North Africa did much to deter the Turk from lending aid. The heavy bribes by which Spain was able to obtain the support of the ministers and favourites of the sultan probably did more. But the unreadiness which the Turk has so often shown to arrive at any decision upon diplomatic questions until he is actually forced to do so was probably the main reason which led to Barton's failure. Just as when in 1877 the Porte refused to listen to the united voice of Europe, or again as when it refused the urgent request of Lord Dufferin to send troops into Egypt, so in the Spanish struggle the sultan neglected to co-operate with England. There was abundance of promises, but one excuse after another would be found, and the end was the usual one, that nothing was done.

EDWIN PEARS.

[12] See ENGLISH HISTORICAL REVIEW, vii. 116 (1892).

The Royal Navy under Charles I

Part I.—The Seamen

THE life of Charles, Lord Howard of Effingham and earl of Nottingham, commander of the English fleet in 1588, and for thirty-three years lord high admiral of England, may be regarded as the link between the medieval and modern navy. Born in 1536 and dying in 1624, his era connects the cogs and crayers, carracks and balingers of the Plantagenets, then still in use, with the established royal navy of James I, a fleet divided into rates, controlled on present principles, and differing but little in essentials from that existing up to the introduction of armour and machine guns. His period of authority included the struggle which shaped isolated maritime essays into an organised navy and fashioned a school of seamanship of which the traditions have never since been lost. Although we cannot point to any important measure known to be directly due to his initiative, his influence, during at any rate the earlier half of his time of office, must, judging by results, have been always exercised towards the selection of capable men for command, towards the adoption of any promising invention or improvement, and towards the encouragement and welfare of the seamen on whom the stress of work and danger must fall, and for whom he always showed a humane sympathy. At the time of trial he proved himself equal to his responsibilities, and that he was so well served by his subordinates of all grades implies a confidence and respect on their part not given merely to a peer and an officer of the crown, but to one in whose skill, care, and kindliness experience had already taught men of all ranks to confide. Then, as now, only an able leader had good officers and willing men. He clung too long to office, and his old age was sullied by an eagerness for money amounting almost to avarice and by the unwavering support given to one as unworthy of it as Mansell; no allegation, however, was ever made against his own honesty, either of act or purpose, and for the rest his years are his best excuse. He has a right to be judged by his season of vigorous manhood, when acting with the other sea heroes of the age of Elizabeth, among whom he holds an honourable place.

The reign of James I may be looked upon as a maritime truce, during which old antagonisms remained latent while new ones were springing into life. The contest with Spain was practically terminated, that power having been vanquished not so much by English superiority of seamanship as by the national decay due to causes patent to all students of history. But now other and more dangerous rivals were to be faced in France and the United Provinces, both wealthier than England, the former temporarily strong in a centralised monarchy of which the resources were to be wielded by Richelieu, and in an army reorganised and a navy created by him, the latter spiritually strong from the same sources as had stirred English thought, with traditions of naval supremacy reaching back to the dawn of European commerce and proud of a successful contest with the greatest of European states. Moreover the fresh strife was to be waged under less favourable conditions than heretofore. Against Spain England occupied a position of strategical advantage; her fleets concentrated at any western port could strike at either the mother country or at the straggling, disconnected colonies of the new world. Against France and the Netherlands she was between hammer and anvil, her own harbours continually threatened, her commerce exposed to constant attack, and her fleets quite insufficient in strength for their new duties. Nor had the interval of peace been utilised in view of the approaching conflict, although it cannot be said that warnings were wanting. The royal ships were fewer in number and of little greater strength than at the death of Elizabeth; few improvements had been effected in their construction, while seamanship had greatly deteriorated, owing to the decay of the fishing industry, the lack of enterprise and long voyages, and the bad treatment of the men. England was still dependent on Russia for cordage and other naval necessaries, an administrative weakness of which Spain had endeavoured to take advantage in 1597 by negotiating with the rulers of Russia and Poland for a cessation of such exports to England and Holland,[1] but a weakness which might have formidable results with enemies planted on the line of communication. The Dutch had taken the lesson to heart, for, since that year, they had made their own cordage.[2]

An examination of the comparative wealth and state revenues of the three countries would show the relative position of England to be still less favourable. Although the commerce of this country had increased during the reign of James, the royal revenue, except that drawn from the customs, had remained nearly stationary, while the administration was more extravagant than that of Elizabeth, and the salaries of officials and the prices of materials

[1] Cott. MSS. Otho E. vii. f. 263. [2] *Ibid.*

and labour were higher, owing to the influx of the precious metals. The wars of France and the Netherlands had indirectly given room for expansion to English commercial and speculative activity, but, in the one case, the reign of Henry IV, and, in the other, the truce with Spain had enabled both countries to meet their rival on more equal terms. The same causes operated throughout the reign of Charles, for it may be held that the place of England as a naval power in 1642 was even relatively lower than in 1625, and this without reference to the question of good or bad government, for any attempt to maintain a maritime supremacy comparative to the last years of the sixteenth century would have entailed national bankruptcy. That strength was a temporary and, in a sense, artificial condition, attributable not to the actual power or resources of the country, but to the momentary cessation of the compression of mercantile rivalry and competition, to the stimulus due to the increase of circulating coin, and, in a lesser degree, to the wave of moral exaltation then moving the Teutonic races.[3] Indeed, it may be said in favour of the ship-money writs that but for the fleets they enabled Charles to send to sea, and so present a semblance of power, the strife with France and Holland might have been precipitated by nearly half a century. That they had some such intimidating influence was shown by the care taken by the French fleets also cruising to avoid meeting them, and the efforts of the French court to evade the question of the dominion of the narrow seas. It was fortunate for England that the troubles of the Fronde coincided with the first Dutch war, for had the strength of France been then thrown into the balance against fleets and dockyards still organised on a Tudor scale, which had undergone little expansion during two reigns, the maritime glory of this country might have had an early end. Even if Charles had not quarrelled with his parliaments, no grants of theirs could have kept pace with the rapid growth of French prosperity; in 1609, after paying off an enormous amount of crown debts, the yearly revenue was 20,000,000 livres,[4] and in 1645 it was 3,560,000*l.*[5] The ordinary revenue of the English crown in 1610 was 461,000*l.*, in 1623 539,000*l.*, in 1635 618,000*l.*,[6] and for the five years from 1637 to 1641 it averaged 895,000*l.* a year, exclusive of ship money.[7] I have been unable to obtain any statistics for the United Provinces, but as the trade and commercial marine on which they relied were greater than those of England it is obvious that a contest with France alone would have overwhelmingly strained our resources during the reign of Charles I,

[3] Mr. del Mar (*Hist. of the Precious Metals*, p. 209), quoting Tooke and D'Avenant, estimates the stock of gold and silver coin in England and Wales in 1560 at 1,100,000*l.*, and in 1600 at 4,000,000*l.*

[4] Martin, *Hist. de la France*, x. 446.

[5] Kolb, *Condition of Nations*, p. 209.

[6] Gardiner, *Hist. of England*, x. 222.

[7] *Parl. Debates*, 31 Aug. 1660.

and that an alliance of the two states would, in all probability, have been most disastrous to us. M. Lefèvre Pontalis indeed, in the first chapter of his 'Vie de Jean de Witt' states exactly that the Dutch merchant marine comprised 10,000 sail and 168,000 men; but, as he gives no authority and may be referring to any one of the first seventy-five years of the seventeenth century, the information in that form is valueless for purposes of comparison.

The accession of Charles led to a more active prosecution of the war with Spain, signalised by the Cadiz expedition of 1625, and the administrative incidents of this voyage enable us to measure the decadence of seamanship and the utter collapse of the official executive during the twenty years of peace. Efforts had been made to get the fleet away during the summer, but, owing to want of money, stores, and men, it did not sail till 8 Oct., too late in the season to do effective service. Disease raged amongst the soldiers and sailors assembled at Plymouth, and not a boat went ashore but some of its men deserted. Of 2,000 recruits sent first to Holland and then to Plymouth only 1,500 arrived at the seaport, of whom 500 were ill;[8] and the few professional sea captains there, who saw the unpromising material in men and supplies being collected, continually warned the council and Buckingham of the results to be expected from the quality of the men and provisions and the want of clothing. When the expedition finally sailed, its equipment appears to have been rather that of a defeated and disheartened fleet returning home after long service than of a long planned and prepared enterprise. The ships were leaky and their gear defective; the 'St. George' was fitted with sails which were used by the 'Triumph' in 1588, while her shrouds were 'the old "Garland's" and all stark rotten.' Another officer writes: 'There was great wrong done . . . by pretending the ships were fit to go to sea.'[9] Even before they left port the casks were so faulty that beer came up in the ships' pumps, so that by November they were reduced to beverage of cider 'that stinks worse than carrion, and have no other drink.' A few days after leaving Plymouth it was already thought necessary to put five men on four men's allowance, and by December they were on half rations which 'stinks so as no dog of Paris Garden would eat it.' Men ill fed and ill clothed, sent across the bay in early winter, easily broke down, and when they arrived off Cadiz, after a twenty-one days' voyage, and before even seeing the enemy, one-fourth of the men on six of the men-of-war were on the sick list.[10] The 'Convertine' had only fifteen men in a watch. In November 'the sickness is so great that there are

[8] *State Papers, Domestic, Charles I*, vi. 23.
[9] Blundell to Buckingham, *ibid.* ix. 15.
[10] There were only nine king's ships in the fleet.

not seamen enough to keep the watches,'[11] and a month later there were not ten men fit for duty on board the 'St. George.'[12] Cecil, the commander-in-chief, was a soldier of only average capacity accustomed to the methodical Dutch military discipline, and he was aghast at the ways of his officers, who, besides being ignorant of their work, shared what plunder there was with their men. Many of the captains were landsmen who depended on their subordinates to handle their vessels, and these men, unaccustomed to large ships and to sailing in comparatively close order, were constantly in difficulties. It does not seem to have occurred to Cecil or his advisers that any sailing orders were necessary during the voyage out, and the result of independent management was that collisions were frequently occurring; beakheads, galleries, and bowsprits were carried away, and 'the confusion was such that some had their starboard when others had their larboard tacks on board.'[13] Sometimes the ships chased each other, under the impression that they were enemies, although the differences between the English and Spanish schools of shipbuilding were almost as great as those to be observed in a cruiser of the middle of this century and a merchantman of the same time. Two transports with 300 soldiers on board, perhaps thinking that they had better prospects of success by themselves than with Cecil, deserted and turned pirates.[14]

The flagship was the 'Anne Royal,' Nottingham's 'Ark Royal' of 1588, of which he lovingly said that she was 'the odd ship of the world for all conditions;' she was handy enough for the Elizabethan seamen who built her and knew how to work a ship at sea, but she did not win favour in the eyes of Cecil and his officers, who complained that they could not make her lie to and that she rolled too much for their dainty stomachs. Nottingham's opinion of them might have been even more scathing than theirs of the 'Anne Royal.' More justly Cecil expressed his astonishment at the amount of theft which prevailed. He could not prevent his captains pillaging the cargoes of prizes, 'a thing of such custom at sea that I cannot see how it will be remedied.' The men he considers the worst ever seen; 'they are so out of order and command and so stupefied that punish them or beat them they will scarce stir.'[15] Sick and starving it was not their fault if they were dull and inefficient; but neither Cecil nor those next him in rank were the men to rouse English sailors to those efforts which, when well led, they can be moved to make under circumstances of surpassing distress.

[11] Cecil to Conway, *State Papers, Domestic, Charles I*, ix. 39.
[12] *Ibid.* xi. 49.
[13] Levet's *Relation of Cadiz Voyage*, Coke MSS.
[14] Coke to Buckingham, *State Papers, Domestic, Charles I*, viii. 41.
[15] *Voyage to Cadiz in* 1625 (Camden Society).

Perhaps this Cadiz expedition indicates the low-water mark of English seamanship. There have been many previous and subsequent occasions when fleets were sent to sea equally ill found and ill provided, but never, before or since, have we such accounts of utter incapacity in the mere everyday work of a sailor's duties. The shameful picture of that confused mass of ships crowded together helplessly, without order or plan, colliding with each other, chasing or deserting at their own will, the officers losing spars and sails from ignorance of the elementary principles of their art, is the indictment against the government of James I which had allowed the seamanship of Elizabeth to die out in this generation. It was the first time that the new system of the commissionership had been tried by conditions of active service, and on the side of stores and provisions, for which they were mainly responsible, the breakdown was as complete as on the side of navigation. Assuming their honesty, which was probable, but of which some of their contemporaries hint doubts, they were mostly merchants or court officials, unacquainted with naval matters and evidently unable to adopt the routine peace control to which they were accustomed to the wider requirements of war time. As even the normal method of inspection was almost nominal, depending mainly on subordinate officials of little character, capacity, or responsibility, such stores as were brought now under the pressure of immediate necessity usually proved expensive and bad. Among the higher officials the impression given by the State Papers, now and afterwards, is that their chief desire was to get money sent to them on some pretext—purchase of clothes or arms, payment of wages, &c.—and that they could then trust to their own ingenuity to account for its expenditure, possibly for the benefit of the service, certainly for their own. Not even a nominal system of inspection existed in the victualling department. The two contractors, Apsley and Darrell, appear, when the commissioners had once given their orders, to have sent what provisions they pleased on board the ships quite independently of any supervision or of any way of calling them to account for supplies infinitely more deadly to our men than the steel and lead of the enemy.[16]

Naval historians have usually considered the condition of the seaman, a mere pawn in the game, as of little account compared with graphic descriptions of sea fights and the tactics of opposing fleets; he had, however, not only existence but memories, and an examination of his treatment under the government of Charles I will systematise scattered references and may go far to explain why the royal navy 'went solid' for the parliament in 1642. We have seen that there was little demand for his services during the reign

[16] Sir Allen Apsley, also lieutenant of the Tower, was victualler from 1612 till 1630, and Sir Sampson Darrell (with Apsley) from 1623 till 1630.

of James I, though the few men employed had reason to be mutinous and discontented under their scanty fare and uncertain wages.[17] With Charles on the throne the sea-going population was called away from the fisheries and trading voyages to man the royal fleets, although the attitude of the parliament caused smaller resources to be available to support their cost. The sailor, being a despised and inarticulate quantity, soon felt the result. When the ships of the Cadiz fleet straggled ignominiously home in midwinter, some to Kinsale, some to Milford, Falmouth, Plymouth, and other western ports, a cry for help went up from the captains and officials concerned. The 'Anne Royal' had scarcely fifteen men in a watch; a vessel at Milford had not sufficient to man her long boat, and the dried fish remaining was 'so corrupt and bad that the very savour thereof is contagious.'[18] Pennington, who was usually more intelligible than grammatical, wrote from Plymouth that 'the greatest part of the seamen being sick or dead, so that few of them have sufficient sound men to bring their ships about,'[19] and 'a miserable infection among them, and they die very fast.' St. Leger told Conway that it would not be possible to move the men till they had recovered some strength; 'they stink as they go, and the poor rags they have are rotten and ready to fall off,' and that many of the officers were in nearly as bad case as their men.[20] But the government had expended all its available means in the preparation, such as it was, of the expedition, and could neither pay the men off nor provide them with clothes, victuals, or medical aid. Moreover the attention of Buckingham was fixed rather on the equipment of another fleet than on the plight of the men, a condition which he doubtless regarded as one they should accept naturally, and a detail unworthy of *la haute politique* in which he and his master intrepidly considered themselves such proficients. Pennington had orders to collect forty sail at Plymouth, but as yet had only four ships.[21] There were no stores, no surgeons, and no drugs, he reported, and everything on board the returned vessels would have to be replaced, even the hammocks being 'infected and loathsome;' the mayor of the town would not permit the sick men to be put ashore, so that contagion spread among the few healthy remaining. He hints that there is little hope of getting fresh men to go when they had their probable fate before their eyes. All the remedy the council seemed to find was to order the commissioners to prepare estimates for fleets of various strengths, while the 'Anne Royal' and four other ships were lying in the Downs with their 'companies almost grown desperate,' the men dying daily and the survivors mutinous. In March Pennington, who was an honest,

[17] English Historical Review, vii. 474 *f.*, July 1892.
[18] *State Papers, Domestic, Charles I*, xviii. 63 1.
[19] *Ibid.* 75. [20] *Ibid.* xii. 81. [21] *Ibid.* xx. 25, February 1626.

straightforward man and a good seaman, and who wrote to Buckingham in an independent and even reproving way, which reflects some credit on both of them in that servile age, says that he has twenty-nine ships, but neither victuals, clothes, nor men; that those sent down run away as fast as they are pressed. 'I wish you were a spectator a little, to hear their cries and exclamations; here die eight or ten daily,' and, if something is not done, 'you will break my heart.'[22] Under James the men had considered that the galleys were better than the royal service; thus early in the reign of his son they had come to the conclusion that hanging was preferable.[23]

But Buckingham was quite superior to all such particulars. Complaints had been made to him that merchantmen were chased into the Downs by Dunkirkers, while the men-of-war lying there did not even weigh anchor. He sharply censured Palmer, who was in command, but Palmer's reply was a variation of the old legal defence; they had not been chased, and if they had been he was without victuals or necessaries enabling him to move.[24] As the captain of one of his ships wrote to Nicholas that he had no sails, and that he could not obtain their delivery without cash payment, the second portion of his statement was probably true. The greatest stress, however, fell upon Pennington at Plymouth. It need hardly be said that there was not yet a dockyard there; but there was not even a government storehouse, the lack of which mattered less as there were no stores, such provisions as were procured being urgently needed for the daily requirements of the crews. In April Pennington heard that there was 2,000*l.* coming down, but he was already indebted 2,500*l.*, for which he had pledged his own credit, and his estate ran risk of foreclosure unless the mortgage was cleared.[25] He adds: 'I pray you to consider what these poor souls have endured for the space of these thirteen or fourteen months by sickness, badness of victuals, and nakedness.' Official routine worked, in some respects, smoothly enough. If some of the officers and men—like those of the 'St. Peter,' a prize in the royal service—petitioned Buckingham direct, begging for their discharge, saying that they could get neither pay nor food and would have perished from want if they had not been supplied by their friends, they were referred to the commissioners, who suavely remarked: 'There are many other ships in the same predicament.'[26] If others applied direct to the commissioners, they were told to go to those who hired them, as the navy board would 'neither meddle nor make' with them, 'which answer of theirs I find strange,' says Pennington.[27] One day the crew of the 'Swiftsure' mutinied and went

[22] *State Papers, Domestic, Charles I*, xxii. 33, and Coke MSS. 4 Mar. 1626.
[23] Coke MSS. 27 Feb. 1626. [24] *State Papers, Domestic, Charles I*, xiii. 67 and 73.
[25] *Ibid.* xxiv. 9, and Coke MSS. 12 Apr. 1626.
[26] *State Papers, Domestic, Charles I*, xxiv. 24. [27] *Ibid.* xxv. 45.

ashore, intending to desert in a body. He went after them and persuaded them to return, but 'their cases are so lamentable that they are not much to be blamed, for when men have endured misery at sea and cannot be relieved at home in their own country, what a misery of miseries is it!'[28] Not all the officers of rank were as kindly as Pennington; Sir John Watts could only see in the clamour of ragged and starving men 'insolent misdemeanours.' At Harwich the mutineers vowed that they would no longer shiver on board, but would lie in the best beds in the town, all the elysium the poor fellows aspired to. It almost seemed as though the naval service was disintegrating and that such organisation as it had attained was to be broken up, since the shipwrights and labourers at the dockyards were also unpaid, although they did not find it so difficult to obtain credit. Pennington was now almost despairing, and said that having kept the men together by promises as long as he could only immediate payment would prevent them deserting *en masse*, and 'it would grieve any man's heart to hear their lamentations, to see their wants and nakedness, and not to be able to help them.'[29] There is a curious resemblance between these words and those used nearly forty years before by Nottingham in describing the condition of the men who had saved England from the Armada, and who were likewise left to starve and die, their work being done. But any comparison is, within certain limits, in favour of Charles and Buckingham. Elizabeth had money, but all through her life held that men were cheaper than gold. In 1626 the sailors were the first victims of the quarrel between king and parliament, a struggle in which, and in its legacy of foreign wars, they bore a heavy share of the burden, and from which even to-day they have reaped less benefit than any other class of the community.

The original estimate for the Cadiz fleet was under 300,000*l*., but in 1631 it was calculated that altogether, for the land and sea forces, it had amounted to half a million,[30] and as the government found it impossible to procure this or any serviceable sum they resorted to the expedient of nominally raising wages all round.[31] The seaman's monthly pay, ten shillings during the reign of James, had been temporarily raised to fourteen for the attack on Cadiz; in future it was to be permanently fifteen shillings, subject to a deduction of sixpence for the Chatham chest, fourpence for a preacher, and twopence for a barber, and, as the scale remained in force till the civil war, and was eventually paid with comparative punctuality, I append the full list for all ranks, per month, here.[32]

[28] Pennington to Buckingham, *ibid.* xxiv. 33.
[29] *Ibid.* xxiv. 65.
[30] *Ibid.* cxcvi. 32.
[31] *Proc.* April 1626.
[32] *State Papers, Domestic, Charles I*, xxxv. 19, and Add. MSS. 9339, f. 24.

	£	s.	d.		£	s.	d.
Captain[33] . . .	4	14	4	to	14	0	0
Lieutenant[34] . .	3	0	0	„	3	10	0
Master	2	6	8	„	3	13	9
Pilot	1	10	0	„	2	5	0
Master's mate . .	1	10	0	„	2	5	0
Boatswain . . .	1	3	4	„	2	5	0
Boatswain's mate	1	0	8	„	1	6	3
Purser	1	3	4	„	2	0	0
Surgeon	1	10	0		–	–	–
Surgeon's mates .	1	0	0		–	–	–
Quartermaster .	1	0	0	„	1	10	0
Quartermaster's mates	–	17	6	„	1	5	0
Yeomen of (jeers, sheets, tacks, halliards)	1	1	0	„	1	5	0

	£	s.	d.		£	s.	d.
Carpenter . . .	1	1	0	to	1	17	6
Carpenter's mates	–	18	8	„	1	5	0
Corporal[35] . . .	–	18	8	„	1	10	4
Gunner	1	3	4	„	2	0	0
Gunnner's mates	–	18	8	„	1	2	6
Cook	1	0	0	„	1	5	0
Master trumpeter	1	5	0	„	1	8	0
Other trumpeters	1	3	4		–	–	–
Drummer . . .	1	0	0		–	–	–
Fifer	1	0	0		–	–	–
Armourer . . .	1	1	0		–	–	–
Gunmaker . . .	1	1	0		–	–	–
Seamen	–	15	0		–	–	–
Gromets . . .	–	11	3		–	–	–
Boys[36]	–	7	6		–	–	–

The purpose in appointing lieutenants was

to breed young gentlemen for the sea service . . . . The reason why there are not now so many able sea-captains as there is use of is because there hath not been formerly allowance for lieutenants, whereby gentlemen of worth and quality might be encouraged to go to sea. And if peace had held a little longer the old sea captains would have been worn out, as that the state must have relied wholly on mechanick men that have been bred up from swabbers, and . . . . to make many of them would cause sea service in time to be despised by gentlemen of worth, who will refuse to serve at sea under such captains.[37]

According to this view the original naval lieutenant was equivalent to the modern midshipman, in which case his pay seems very high, unless it is to be explained by the tendency to favour social position. The midshipman, introduced somewhat later, was at first only an able seaman with special duties.

As at the time the crown was making these liberal promises it had not sufficient money to fit out two ships required for special service on the Barbary coast, and as vessels were being kept in nominal employment because even a few hundred pounds could not be raised wherewith to pay off their crews, it is not surprising that the men showed no renewed eagerness to die lingeringly for their country, and that the proclamation of April needed a corollary in the shape of another threatening deserters with the penalty of death. This was issued on 18 June, and a week later the crew of the 'Lion'

[33] According to rate of ship.

[34] Only to 1st, 2nd, and 3rd rates; 'a place not formerly allowed.'

[35] 'Not formerly allowed;' his duties were akin to those of a musketry instructor of to-day.

[36] Six rates of vessels are classified. All carry trumpeters, and the first four drummers and fifers. It should, perhaps, be noted that both lieutenants and corporals were employed in 1588, but afterwards discontinued.

[37] Egerton MSS. 2541, f. 131.

at Portsmouth, 400 or 500 strong, left the ship with the intention of marching up to London. The officers read the last proclamation to them, and promised to write about their grievances; but the men, quite unappalled, replied that 'their wives and children were starving and they perishing on board.'[38] Wives and children were neglected factors in the dynastic combinations of Charles and Buckingham, and husbands and fathers might consider themselves amply rewarded if their efforts enabled the king to restore the Palatinate to his nephew. The commissioners complained despondingly that they were unable to progress with the new fleet while the back wages were unpaid, and 'the continual clamour . . . doth much distract and discourage us.'[39] The 'Swiftsure' at Portsmouth had only 150 instead of 250 men, of whom fifty were raw boys, and all the other ships there were but half manned. Palmer, commanding in the Downs, had never suffered such extremity even in war time, he said, and his men flatly refused to work unless they were fed, a really justifiable form of strike. At this date there were six men-of-war and ten armed merchantmen at Portsmouth, but, says Gyffard, the men 'run away as fast as they are sent . . . all things so out of order as that I cannot see almost any possibility for the whole fleet to go to sea in a long time.'[40] The intensity of Captain Gyffard's feelings somewhat obscured his clearness of expression. The lessons of the previous year appear to have taught nothing; the victuallers were still sending in provisions of the old bad quality, and the beef sent to Portsmouth weighed only 2 lbs. the piece, instead of the 4 lbs. for which the crown was charged. The Chatham shipwrights threatened to cease work unless they were paid, and Pennington, now at Portsmouth, wrote that after all the preparations, extending over some months, there were no hammocks and not even cans or platters to eat and drink from. All these requests and complaints poured in nearly daily on Buckingham who should have been an organising genius to deal with the complex disorder, instead of merely a man of some talent and much optimism, also troubled by a refractory parliament, perverse continental powers scornful of his ingenuous diplomacy, and the varied responsibilities of all the other departments of the government. In September the commissioners pointed out to him that a debt of 4,000*l.* a month was being incurred for want of 14,000*l.* to pay off the men, who were now reduced to stealing their daily food; those in the river were so disorderly that the board could not meet without danger, as the sailors threatened to break the doors down on them and the shipwrights from Chatham had besieged them for twenty days.[41] By this time, however, as the result of requiring the coast towns to provide ships, forced loans, and other measures, Willoughby

[38] *State Papers, Domestic, Charles I*, xxx. 48.
[39] *Ibid.* 75.
[40] *Ibid.* xxxiii. 27, July 1626.
[41] *Ibid.* xxxv. 44.

was at sea with a fleet, but one which was a third weaker in strength than had been intended. Before reaching Falmouth he found twenty tuns of 'stinking beer' on his own ship, and the rest of the squadron was as ill off. The men were 'poor and mean' physically, and deficient in number, the stores generally bad and insufficient, there being only enough provisions to go to the Straits of Gibraltar and back again, and the excursion being useless, because too late in the year, when all the enemies' fleets had returned home.[42] The complaint of want of men was met by an order that he should take on board 500 soldiers to help in working the ships; in two vessels intended for him two-thirds of the men had run away, being too glad to escape at the cost of forfeiting five months' wages due to them, and the commissioners proposed to fill their places 'by forcing men to work with threatenings, having no money to pay them.'[43] The artless belief of their kind in the efficacy of threats once more placed them in a foolish position. The crew of the 'Happy Entrance' refused to sail, saying that they would rather be hanged ashore than starve at sea,[44] but even the relentless egotism of Charles was not equal to hanging them.

It may be said for the commissioners that their position was not a happy one, seeing that they were continually ordered to perform impossibilities. When they were told to provide fresh ships and men, they retorted that they were already keeping twelve vessels in pay for want of money to discharge the crews, the wages bill alone running at the rate of 1,782*l.* a month.[45] Other men sent away with tickets, which could not be paid when presented, congregated round their house whenever they met for business, shouting and threatening and causing them actual personal fear. There was 20,000*l.* owing to the victuallers, and they, in December, refused any further supplies until they had some money, the result being that, at Portsmouth, 'the common seamen grew insolent for want of victuals,' wrote Sir John Watts, who, in his own person, only suffered from the insolence of a well-lined belly. Sir Allen Apsley, the chief victualling contractor, justified himself to the council and pointed out the serious consequences to be feared.[46]

By the late mutinous carriage of those few sailors of but one of H.M. ships, the 'Reformation,' the humours of the rest of the fleet may be conjectured . . . What disorder, then, may be feared if twenty times that number, having no promise of speedy payment, no victuals, fresh or salt, nor ground for the officers to persuade or control—for, alas! say they, when men have no money nor clothes to wear (much less to pawn), nor victuals to eat, what would you have them do? Starve? This is likely to be the condition of the ships now in the Downs and those at Portsmouth, having not two days' victuals if equally divided . . . . not having any victuals at all

[42] Willoughby to Nicholas, *ibid.* xxxv. 102 and 109 r.
[43] *Ibid.* xxxvi. 60. [44] *Ibid.* xxxvii. 57. [45] *Ibid.* xxxix. 78.
[46] *Ibid.* xli. 56, 1626.

but from hand to mouth upon the credit of my deputies, who are able to trust no longer, so as this great disorder may be seen bearing very near even to the point of extremity.

About 2,200 men were in this plight, and matters must indeed have been bad when it was no longer to the victualler's profit to supply the carrion beef and fetid beer useless for any other purpose than to feed seamen. Punishment and promises were becoming equally useless. An officer at Portsmouth had to confess that punishing his men only made them more rebellious, and they revenged themselves by cutting his ship's cable, in hopes that she might drift ashore; like Apsley, he remarked that they were only victualled from hand to mouth, but adds, 'with refuse and old stuff.'[47] Charles was going to recover the Palatinate by means of his fleet, but Pennington's opinion of the armed merchantmen which made up the bulk of the royal force was not high. He considered that two men-of-war could beat the fifteen he had with him, as their ordnance was mostly useless and they had not ammunition for more than a two hours' fight.[48] Nor, from incidental references, can the discipline on these auxiliary ships have been such as to promise success. In 1625 they had to be forced under fire at Cadiz by threats; in 1628, at Rochelle, they fired vigorously but well out of any useful or hazardous range. In this year the captain of one of them killed, injured, and maltreated his men, while he and five gentlemen volunteers consumed sixteen men's allowance of food every day, and in January 1627, when some of them lying in Stokes Bay were ordered westward, they mutinied and would only sail for the Downs.

In despair the council resorted to the expedient of a special commission to inquire into the state of the navy, nineteen in number and including eight seamen, perhaps in the hope of gaining time, but probably from sheer prescription of routine.[49] While the naval organisation was crumbling they took careful measurements of the dimensions of each ship, and anxiously examined whether Burrell had used his own or government barges for the conveyance of stores. When they inquired at what cost ships were built, the answer came in a petition from the Chatham shipwrights that they had been twelve months 'without one penny pay, neither having any allowance for meat or drink, by which many of them having pawned all they can, others turned out of doors for non-payment of rent, which with the cries of their wives and children for food and necessaries doth utterly dishearten them.'[50] John Wells, storekeeper to the navy, had 7½ years' pay owing to him, and it may be inferred that, unless he was more honest than his fellows, the crown, if it did not pay him directly, had to do so indirectly. The treasurer

[47] Philpott to Nicholas, *ibid.* liii. 8 and 77.
[48] *Ibid.* xlii. 100.
[49] 12 Dec. 1626.
[50] *State Papers, Domestic, Charles I*, xlii. 137.

of the navy, like the victualler, had refused to make any more advances on his own credit, but when the Chatham men marched up to London in a body he promised to settle their claims, a promise which was not fulfilled. Then the special commissioners had to deal with the crews of the 'Lion,' 'Vanguard,' and 'Reformation.' The men of the 'Vanguard' told them that they were in want of food, clothing, firing, and lodging, 'being forced to lie on the cold decks.'[51] The sailors, like the shipwrights, came to London in the hope of obtaining some relief, but with even less success. Their ragged misery was an outrage on the curled and scented decorum of the court, and Charles perhaps feared that they might not confine themselves to mere vociferation, and had no liking for the part of a Richard Plantagenet in face of a threatening mob. He confined himself to ordering the lord mayor to guard the gates and prevent them coming near the court, and Apsley, in his other capacity as lieutenant of the Tower, was directed to 'repress the insolencies of mariners' by 'shot or other offensive ways.'[52] Probably death from Apsley's 'shot' was, even if as certain, a less painful fate than that from his victuals. As for Charles, we may suppose that the lesson in kingly honour, justice, and responsibility was not thrown away on those of his seamen who lived till 1642. Notwithstanding the financial straits of the government large schemes relating to the increase of the number of ships and the construction of new docks were being continually planned. In naval as in other affairs Buckingham's vision was fixed on the future, careless of the present. Such money and supplies as were obtained did not go far towards relieving the necessities of the sailors. In May Mervyn found that his own crew came unpleasantly ''twixt the wind and his nobility,' for, 'by reason of want of clothing, they are become so loathsome and so nastily sick as to be not only unfit to labour but to live.'[53] Among the State Papers, undated but assigned to this year, occurs the first instance of a round robin that I have noticed; the men signing it refuse to weigh anchor until provisioned.[54]

Despite all these drawbacks Buckingham had contrived to get together the Rhé fleet of 1627, by various means, although the pecuniary receipts were not nearly adequate to the requirements. Some 3,800 seamen were employed, and when they came home were worse off than ever, and the monotonous sequence of complaints was continued with greater intensity. The crew of the 'Assurance' deserted in a body; the sailors at Plymouth were stealing the soldiers' arms and selling them to obtain bread,[55] and wages were running on at the rate of 5,000*l.* a month, because there was no money wherewith to

[51] *State Papers, Domestic, Charles I,* xlix. 68, January 1627.
[52] *Ibid.* liii. 9 and 10, February 1627.
[53] Mervyn to Buckingham, *ibid.* lxiv. 76.
[54] *Ibid.* lxxxviii. 62, 1627.
[55] *Ibid.* lxxxv. 61.

pay off the men.[56] By December 500 sailors of the returned fleet had died at Plymouth, and both there and at Portsmouth the townspeople refused to have the sick men billeted ashore, for at Plymouth they professed to have never shaken off the infectious fever spread by the men of the Cadiz fleet. If we had any statistics at all of the death and disease on board the fleets of 1625-8, the figures would probably be ghastly in the terrible mental and physical suffering they would represent; in this century the 'wailing-place' on the quays of Amsterdam, where the friends and relatives of Dutch sailors bid them farewell, was well known, but every royal ship was a wailing-place for English wives and mothers. Nicholas, as Buckingham's secretary, sometimes had franker communications than were sent to his master. Mervyn wrote to him that the king would shortly have more ships than men, there being commonly twenty or thirty fresh cases of sickness every day, and

> the more than miserable condition of the men, who have neither shoes, stockings, nor rags to cover their nakedness . . . all the ships are so infectious that I fear if we hold the sea one month we shall not bring men enough home to moor the ships. You may think I make it worse, but I vow to God that I cannot deliver it in words. . . . The poor men bear all as patiently as they can . . . I much wonder that so little care be taken to preserve men that are so hardly bred. I have used my best cunning to make the 'Vanguard' wholesome. I have caused her to be washed all over, fore and aft, every second day; to be perfumed with tar burnt and frankincense; to be aired 'twixt decks with pans of charcoal; to be twice a week washed with vinegar. . . . Yet if to-day we get together 200 men within four days afterwards we have not one hundred.[57]

Watts, at Portsmouth, who in the intervals of solicitation of money for himself and preferment for his son wrote abusively of men who asked at least food and clothing in midwinter, was a man after Charles's own heart, for he also had arranged with the governor of the town to use 'shot,' if necessary, when the seamen came showing their tattered clothes and making 'scandalous speeches.'[58] Mervyn, in the letter to Nicholas quoted above, admits that he has overdrawn his pay, but asks for another advance, and doubtless officers who had friends at court, or who could afford to bribe, had little difficulty in obtaining their salaries. Nicholas, for instance, who subsequently developed into a knight and secretary of state, had an itching palm on occasion. On the other hand, even in later years, when the pressure was not so great, if the paymaster or pursers advanced any portion of the wages already due to the mere sailor, a discount of 20 per cent. was deducted for the favour. The need for men caused boys and weakly adults to be pressed, for the merchant was also competing with the royal service, owners paying 30*s.* a month, and during the winter the

[56] *Ibid.* lxxxvi. 42.
[57] *Ibid.* lxxxvii. 37, December 1627.
[58] *Ibid.* lxxx. 83 and 86.

mortality among them was great.[59] In January 1628 Mervyn reported from Plymouth that there were no hammocks, and 'the men lodge on the bare decks . . . their condition miserable beyond relation; many are so naked and exposed to the weather in doing their duties that their toes and feet miserably rot and fall away piecemeal, being mortified with extreme cold.'[60] A few days later he said that things were worse than ever, that the vessels were full of sick men, they being refused ashore.[61] Notwithstanding the refusal to have them ashore their diseases spread so rapidly on land that both Plymouth and Portsmouth were 'like to perish.'

A striking feature in this wretched story is the want of sympathy shown by nearly all the officials, high or low. I am quoting chiefly from those officers who felt for their men and endeavoured to obtain some alleviation of their distress, but many of the letters are only dry, formal details, or, as in the instances of Watts and Sir James Bagg—Eliot's defamer and, from his absorptive capacity in relation to government money, known as the Bottomless Bagg—filled with cowardly gibes and threats directed at men who could not obtain even their daily bread from the crown. It has long been held a point of honour with officers to share the dangers and hardships of those under them, but in those years the superiors to whom the men looked for guidance and support left them to suffer alone, 'the infection so strong that few of the captains or officers durst lie on board.'[62] The sailors in the river were somewhat better off. Perhaps their proximity to the court and potentialities of active protest stirred the most sensitive portion of Charles's conscience, and arrangements were made to billet them on the riverside parishes, at the rate of 3*s*. 6*d*. a man per week, till money could be provided to pay them. This was a plan which relieved the crown at the expense of the householder; nor does it appear to have been very successful, since a proclamation was issued on 17 February to repress the disorderliness of such billeted mariners and warning them not to presume to address the commissioners. In March the pressed men at Plymouth armed themselves, seized the guildhall, and there prepared to stand a siege.[63] The issue is not stated, but although mutinies were continually happening they usually had little result, for if the men got away from the ship or town the endeavour to reach their homes would have been almost hopeless. They were only frantic outbursts of desperation by isolated bodies of a class which has always lacked the gift of facile expression, and has never learnt to combine. An official describes plainly the causes of these mutinies, and his paper is worth quoting in full.[64]

[59] Coke MSS. 17 Sept. 1627.
[60] *State Papers, Domestic, Charles I*, xc. 38.
[61] *Ibid.* 75.
[62] *Ibid.* xcii. 73, February 1628.
[63] *Ibid.* xcviii. 26.
[64] Gorges to Buckingham, *ibid.* 29, March 1628.

1st. They say they are used like dogs, forced to keep aboard without being suffered to come ashore to refresh themselves. 2nd. That they have not means to put clothes on their backs to defend themselves from cold or to keep them in health, much less to relieve their poor wives and children. 3rd. That when they happen to fall sick they have not any allowance of fresh victuals to comfort them, or medicines to help recover them. 4th. That some of their sick fellows being put ashore in houses erected for them are suffered to perish for want of being looked unto, their toes and feet rotting from their bodies, and so smelling that none are able to come into the rooms where they are. 5th. That some provisions put aboard them is neither fit nor wholesome for men to live on. 6th. That therefore they had as lief be hanged as dealt with as they are.

Gorges suggests that some of these complaints are frivolous and some untrue, and recommends the remedy, dear to the official soul, of a commission. The commission of 1626 had hardly ceased sitting, and how far the complaints were frivolous and untrue can be judged by the evidence brought forward here.

In April Denbigh sailed to relieve Rochelle, and returned without having effected his purpose. Preparations then went on apace for the great fleet Buckingham proposed to command himself in August. The difficulty in obtaining provisions and their quality may be inferred from a petition of Sir Allen Apsley's addressed directly to the king; he says that he has sold and mortgaged all his property, and that he and his friends had pledged their credit to the extent of 100,000*l.*[65] These were unpromising conditions under which to engage to supply a fleet which was intended to be as large as that of 1625, and, as the crown could not suddenly replace the mechanism organised by the victualler and his deputies, it was practically dependent on his efforts. It was probably due to the poverty of Sir Allen Apsley that in this fleet water was, for the first time, taken from a home port as what may be called a primary store.[66] Hitherto, although casks had been refilled with water when serving abroad, only beer had been originally taken out from England, and this practice had existed from the earliest times. In June the ships were being collected at Portsmouth, but with the usual troubles. There were two mutinies. 'God be thanked, they are quieted,' writes Coke, but the men 'have no shift of clothes; some have no shirts, and others but one for the whole year.' There were few surgeons, and those few 'haunt the taverns every day.'[67] In one party of 150 pressed men sent down in July there were to be found saddlers, ploughmen, and other mechanics; some were old and weak and the majority useless. Pettifogging tricks were employed to trap the men; in one instance Buckingham ordered that certain vessels were not to be paid off till the 'Swiftsure' and other ships were ready, and that then Peter White was to be present to at once press

[65] *Ibid.* cv. 80, 1628. [66] *Ibid.* 85. [67] *Ibid.* cviii. 18.

the crews for further service.[68] Fire ships were required, but Coke found that they could not be had without 350*l.* in cash, as no one would trust the crown.[69] Buckingham himself did not intend to share the hardships of the beings of coarser clay under his command. A transport was fitted to serve as a kitchen and store ship for him, and the bill for his supplies came to 1,056*l.* 4*s.* It included such items as cards and dice, 2*l.*; wine, &c., 164*l.*; eight bullocks and a cow, 59*l.*; eighty sheep, 60*l.*; fifteen goats, 10*l.*; ten young porklings, 5*l.*; two sows with pig, 3*l.*; 980 head of poultry, 63*l.* 1*s.*; 2,000 eggs, 2*l.* 10*s.*; and pickled oysters, lemons, damask tapestry, and turkey carpets.[70] Then came Felton's knife, and we may hope that some of the sailors made an unwonted feast on the more perishable articles of this liberal collection. In any case Buckingham's murder was an unmixed good for them, although had he spared to the men some of that energy and care he gave, at least with good intention, to the improvement of the *matériel* of the navy, the verdict might have been different. But in his neglect of their rights or welfare he was not below the standard of his age, in which the feudal feeling remained without its sense of obligation, and in which only a very few were impelled by conscience to more than the defence of their own rights.

One result of the shuffling of the political pack which followed Buckingham's death was the appointment of Weston as lord treasurer. Weston, Mr. Gardiner tells us, was neither honest, nor amiable, nor popular, but he was at any rate determined to reintroduce some order into the finances, and the sailors were among the first to reap the benefit. When the Rochelle fleet, which had sailed under Lindsey, returned, the men were as surprised as they were delighted to find that they were to be paid; 'the seamen are much joyed with the lord treasurer's care to pay them so suddenly.'[71] All the same the civic authorities of Plymouth desired that the ships should be paid off somewhere else. They wrote to the council that when the Cadiz expedition came back 1,600 of the townspeople died of diseases contracted from the soldiers and sailors, that many also perished after the return of the Rhé fleet, and that they heard that this Rochelle one was also very sickly, and, if so, 'it will utterly disable this place.'[72] Either there was a relaxation of Weston's alacrity in paying, or mutinous habits had become too natural to be suddenly discarded, as in November the crews of three of the largest of the men-of-war were robbing openly, for want of victuals, they said. Nevertheless we do not hear of many difficulties in connexion with the Rochelle fleet, and

[68] Add. MSS. 9297, f. 118.
[69] Coke MSS. 3 June 1628.
[70] *State Papers, Domestic, Charles I*, cxiv. 48.
[71] *Ibid.* cxx. 27, November 1628.
[72] *Ibid.* cxviii. 78.

the work of payment may be assumed to have progressed with unexpected smoothness.

With the cessation of ambitious enterprises the demand for the services of the maritime population became less, although the smaller number of men employed were treated no better than when the government had the excuse, such as it was, of large expenditure. In 1629 Mervyn, commanding in the narrow seas, wrote to the lords of the admiralty: 'Foul winter weather, naked bodies, and empty bellies make the men voice the king's service worse than a galley slavery.'[73] It may be mentioned that although hammocks were provided for over-sea service in the proportion of one for every two men, they were not yet furnished to ships stationed in home waters, a want which must have affected the health and contentment of the seamen even when they were properly fed. Again, Mervyn protests—

> I have written the state of six ships here in the Downs, two of which, the 'Dreadnought' and 3rd whelp, have neither meat nor drink. The 10th whelp hath drunk water these three days. The shore affords soldiers relief or hope, the sea neither. Now with what confidence can punishment be inflicted on men who mutiny in these wants? . . . These neglects be the cause that mariners fly to the service of foreign nations to avoid his majesty's. . . . His majesty will lose the honour of his seas, the love and loyalty of his sailors, and his royal navy will droop.[74]

They were prophetic words, and as another illustration of the methods which were to secure the sailors' love and loyalty we find in October, among the notes of business to be considered by the lords of the admiralty, 'poor men's petitions presented above six months, and never read.' Mutiny had become merely a form of protest, and captains looked forward to it as only a sign of dissatisfaction. One of them writes to Nicholas that his crew are in 'an uproar' about their offensive beer, and that if he finds no fresh supply at Plymouth he is sure of a mutiny;[75] another commander was forced to pawn his spare sails and anchors to buy food for his men.[76] Apsley died in 1630, leaving his affairs deeply involved, the crown still owing him large sums. His coadjutor, and then sole successor, Sir Sampson Darrell, did not fare better at the hands of the government, although his requirements were so much less. In June 1632 he informed Nicholas that he would be unable to continue victualling unless he was paid, having raised all the money he could on his own estate.[77] If he received anything on account it was evidently not enough to insure permanent improvement, since a year later we hear that the cruisers are 'tied by the teeth' in the Downs for want of provisions.[78] During

[73] *Ibid.* cxlix. 90, September.
[74] *Ibid.* clxxii. 42, August 1630.
[77] *Ibid.* ccxviii. 52.
[71] *Ibid.* 92.
[76] *Ibid.* clxxv. 75.
[78] *Ibid.* ccxlvi. 85

these years the debts incurred from the early expeditions of the reign were being slowly discharged, and the scantiness of the available resources for fresh efforts is shown by the way Pennington complains that six or seven weeks of preparation were needed to collect three months' victuals for four ships.[79] From the absence of references in the State Papers to the nonpayment of wages it would seem as though they were now paid with comparative regularity, but the expressions of disgust at the quality of the provisions are as continuous and vigorous as before. Besides methods of cheating in the quantities served out, for which the victuallers and pursers were answerable, 'the brewers'—of course with the connivance of the victuallers—'have gotten the art to sophisticate beer with broom instead of hops, and ashes instead of malt, and (to make it look the more lively) to pickle it with salt water, so that while it is new it shall seem to be worthy of praise, but in one month wax worse than stinking water.'[80] The same writer says that the English were the unhealthiest of all ships, in consequence of the practical application of the proverb that 'nothing will poison a sailor.' Then he laments that English mariners, formerly renowned for patience and endurance, were now physically weak, impatient, and mutinous, and blames the sailor for the change.

The first systematic issue of ship-money writs was in October 1634, and in the summer of 1635 the resulting fleet was at sea. As usual the provisions were an unfailing source of indignation, and Lindsey, who was in command, told the lords that much of the beef was so tainted that when it was moved 'the scent all over the ship is enough to breed contagion.' The crews were made up with watermen and landsmen ignorant of their work, and many were weak and sickly; three men-of-war and several of the hired merchantmen were quite disabled by the sickness on board them.[81] A special matter of complaint was the large number of volunteers and their servants who went for a harmless summer cruise on Lindsey's ships. That they were useless and in the way was of less importance than that officers were aggrieved by finding their cabins taken from them to house these people in comfort, and that the seamen were irritated by seeing the idlers given the first choice of food, having to wait for their own till the visitors were served.[82] If the greater part of the beef was fetid, and the officers and volunteers had right of selection, what could have been left for the men? Apparently the sailors had as little liking as ever for the royal service, since, in 1636, the old difficulties were renewed in obtaining seamen for the second ship-money fleet under Northumberland. In

[79] *State Papers, Domestic, Charles I*, cclxxii. 58, July 1634.
[80] 'Advice of a Seaman,' &c., by Nath. Knott, *ibid.* cclxxix. 106.
[81] *State Papers, Domestic, Charles I*, ccxcviii. 5, September 1635.
[82] Add. MSS. 9301, f. 54.

April the men were said to be continually running away; in June out of 250 men turned over from the 'Anne Royal' to the 'St. Andrew' 220 deserted.[83] When Northumberland returned in the autumn, typhus was rife in his squadron, and Mervyn reported that the men 'in this weather fall sick for want of clothing, most of them barefoot and scarcely rags to hide their skins.'[84] Northumberland, not content with merely commanding in state, attacked the shortcomings of the naval administration furiously when he came ashore. Many of his strictures relate to subjects I shall notice in a future paper, but concerning the men he said that they were incapable both bodily and in their knowledge of seamanship; that out of 260 men in the 'James' not more than twenty could steer, that in the 'Unicorn' there was hardly a seaman besides the officers, that nearly one-third of the 'Entrance's' crew had never been to sea, and that of 150 men in the last-named ship only twelve could take the helm.[85] The provisions, he said, were bad and meagre, and the men defrauded of a fourth or fifth of their allowance. Moreover sick men must either be kept on board 'or turned ashore in danger of starving, not to be received into any house, so as some have been seen to die upon the strand for lack of relief.' Such was the tender care monarchy by divine right, with its paraphernalia of lords commissioners and lords of the admiralty, vouchsafed to that class of its subjects which happened to be voiceless and helpless. But if the coming struggle between divine right and capitalist right was to render the sailor's assistance valuable, and temporarily improve his position, the experience of succeeding generations was to show that to him it made little difference whether life and health were sacrificed under the stately forms of monarchical procedure or by the more obviously sordid processes of mercantile traffic. There was no 'glorious revolution' for men whose welfare depended on a legislature influenced by merchants and shipowners, and ignoble with the soulless ethics of the eighteenth century.

According to official documents the victualler, Sir Sampson Darrell, must have died not long after Apsley, as his accounts for five years are passed by his executrix.[86] The absence of professional control did not probably cause any extra mismanagement; at any rate no murmurs are heard on that score. In February 1637 John Crane was made surveyor of marine victuals, his appointment dating from 20 Nov. 1635. The allowance then supposed to be given to each man was 1 lb. of biscuit and 1 gallon of beer a day, 2 lbs. of salt beef or 1 lb. of bacon or pork four days a week, and on the remaining three days one-fourth of a stockfish, one-eighth of a pound of butter, and one-fourth of a pound of cheese.[87] Sugar,

[83] *State Papers, Domestic, Charles I*, cccxxvi. 10.
[84] *Ibid.* cccxxxvii. 15.
[85] *Ibid.* cccxxxviii. 39.
[86] *Aud. Off. Dec. Accounts*, s.v. 'Navy.'
[87] *State Papers, Domestic, Charles I*, cccxlvii. 55.

rice, and oatmeal were medical luxuries theoretically provided for sick men in the 1636 fleet, on the equipment of which Northumberland expressed such trenchant criticisms. Crane undertook the victualling at the rate of eightpence halfpenny a man per day at sea, and sevenpence halfpenny in harbour, but in March 1638 he gave the necessary year's notice to terminate his contract.[88] He found that during 1636 and 1637 he had lost a penny three farthings a month on each man, and, owing to the general rise in prices, anticipated a further loss of as much as 3*s*. 4¾*d*. a head in 1638. He entreated an immediate release from his bargain, or he would be ruined, and he had thirteen children. In all these memorials one invariably finds that the petitioner possesses an enormous family.

In 1637 the earl of Northumberland was again at sea in what Sir Thomas Roe expected would be 'one turn to the west in an honourable procession,' and the earl himself wrote, 'No man was ever more desirous of a charge than I am to be quit of mine.'[89] He was, however, the first competent admiral among the nobility that Charles had been able to find. From the absence of any accounts of mutiny and disorder we may take it that either the men were better treated this year or that the superior officers were tired of complaining. In 1638 Northumberland was ill, and all the work the ship-money fleet did was to convoy two powder-laden vessels through the ships blockading Dunkirk.[90] We have seen that men like Pennington and Mervyn had not the heart to punish for insubordination under the circumstances of privation which made their crews seditious and disobedient, and the normal discipline on a man-of-war was, in all likelihood, sufficiently lax. Some of the regulations, however, if they were carried out, were strict enough, although they will compare favourably with the bloodthirsty articles of war of the succeeding century. Prayer was said twice daily, before dinner and after the psalm sung at setting the evening watch, and any one absent was liable to twenty-four hours in irons. Swearing was punished by three knocks on the forehead with a boatswain's whistle, and smoking anywhere but on the upper deck, 'and that sparingly,' by the bilboes. The thief was tied up to the capstan, 'and every man in the ship shall give him five lashes with a three-stringed whip on his bare back.' This is, I think, the first mention of any form of cat. The habitual thief was, after flogging, dragged ashore astern of a boat and ignominiously dismissed with the loss of his wages. For brawling and fighting the offender was ducked three times from the yardarm, and similarly towed ashore and

[88] *State Papers, Domestic, Charles I*, ccccliii. f. 95. [89] *Ibid.* ccclxv. 28.

[90] The sale of gunpowder was at this time a crown monopoly. Charles's sad and picturesque dignity of appearance did not imply such a delicate sense of honour as to prevent him turning a penny by forcing contraband of war through the fleet of a friendly power and supplying the privateers who were the scourge of English commerce.

discharged, while for striking an officer he was to be tried for his life by twelve men, but whether shipmates or civilians is not said.[91] If a man slept on watch three buckets of water were to be poured upon his head and into his sleeves, and any one except 'gentlemen or officers' playing cards or dice incurred four hours of manacles. It is suggestive to read that 'no man presume to strike in the ship but such officers as are authorised.'[92] There was no specially prepared fleet in 1639, but in October Pennington was in command of a few ships in the Downs, watching the opposed Dutch and Spanish fleets also lying there. Both he and Northumberland had pressed the king, but in vain, for instructions as to his course of action in certain contingencies. At last directions were given him that in the event of fighting between them he was to assist the side which appeared to be gaining the day, a manner of procedure which Charles doubtless thought was dexterous diplomacy, but which most students of the international history of his time will consider as ignominious as it was futile. The Dutch attacked the Spaniards as they were taking in 500 barrels of gunpowder, supplied with the connivance of the English government[93]—again Charles's trading instincts were too strong—drove a score of their vessels ashore, and scattered the remainder. Unfortunately Pennington, instead of also attacking the Spaniards, fired into the Dutch, who did not reply.[94]

During 1640 and 1641 Charles was fully occupied with his Scotch and parliamentary difficulties, and naval business was again falling into disorder. In July 1641 Northumberland tells Pennington that he does not see how the insubordination the latter reports is to be remedied, as there is no money with which to pay wages.[95] In October Sir William Russell, one of the treasurers of the navy, had been a long time out of town, and the other, Sir Henry Vane (the younger), 'seeing there is no money in the office, never comes near us.' Perhaps it was not altogether displeasing to the parliamentary leaders that, in view of the arbitrament towards which king and parliament were tending, the seamen should be rendered discontented and rebellious. In January 1642, 2,000 sailors offered their services

[91] In the eighteenth century he would have had a hole-and-corner trial, undefended and ignorant of the law, before the associates, and perhaps friends, of the man whom he had assaulted.

[92] *State Papers, Domestic, Charles I*, lvi. 101, 1627, and cccevii. 32, 1638.

[93] *Ibid.* ccccxxxi. 30.

[94] With the exception of the Amboyna affair, a case once more of the 'prancing proconsul,' the Dutch showed, throughout this century, exemplary patience and moderation under a long course of provocation, in affairs of salutes, right of search, and seizures of ships, several instances of which I shall have occasion to mention. The rulers of the United Netherlands had to consider wider aims and more urgent needs than revenge for insults to their flag, however flagrant, but when the Navigation Act of 1651 brought matters to a crisis the Dutch must have felt that they had a long score to settle.

[95] *State Papers, Domestic, Charles I*, ccccIxxxii. 13.

and protection to the parliament, and when, in July, the king appointed Pennington and the parliament Warwick to the command of the fleet, the men in the Downs, apparently without any hesitation, followed Warwick, although the former must have had with them the influence of a trusted and favourite officer. In several instances the crews of ships on outlying stations forced their captains to submit, or put their royalist officers ashore and themselves took charge. I am unable to speak with absolute certainty, but an examination of the data available leads me to suppose that only one small vessel, the 'Providence,' adhered to the royal cause. We need not conclude that this unanimity implied any deep feeling about the general misgovernment of Charles or the important constitutional questions at issue. The sailor, contrary to the impression apparently prevailing among novelists, is usually an extremely matter-of-fact individual, with the greater portion of his attention fixed on the subjects of his pay and food. All he could associate with the crown were memories of starvation and beggary, of putrid victuals fraught with disease, and wages delayed, in payment of which, when he at last received them, he found a large proportion stick to the hands of minor officials. The parliament paid him liberally and punctually, and he, on his side, served it honestly and well. For him was not necessary—perhaps he was not capable of feeling—the curious psychical exaltation of the 'New Model,' but in a steady, unimaginative way, without much enthusiasm but without a sign of hesitation, he kept his faith, and did more to destroy royalist hopes than historians, with few exceptions, have supposed. Under the administration of the navy committee there were no recurrences of the confusion and unruliness which had before existed, and until the Rainsborow mutiny of 1648, speedily repented, the seamen showed no symptom, for six years, of discontent or of regret for the part they had chosen.

Without feeling an indignation which would have been in advance of their age at the hardships and dishonesty of which the sailor had been the victim, the position of the parliamentary chiefs compelled them to treat him with a discreet consideration. He was fed decently; wages were raised to nineteen shillings a month, and were given in full from the date of his joining his ship, instead of from that of its sailing; and an attempt was made to raise a sufficient number of men without impressment, the principal officers being only directed 'to use their best persuasion.'[96] Seamen, however, had been too long accustomed to compulsion to enter into the principles of voluntaryism, and an act allowing pressing, and punishing contumacy with three months' imprisonment, must have been received by them as something they could understand.[97] The

[96] *State Papers, Domestic, Charles I*, cccxciv., 2 Jan. 1643.

[97] Public Acts, 17th Charles I.

utter absence of difficulties or remonstrances during the years of the civil war shows how smoothly the naval administration worked, and parliament appeared to place even more reliance on the sailors than on their officers, since on 18 Oct. 1644 Warwick issued a proclamation ordering that 'none shall obey the commands of their superior officers . . . if the same commands be tending towards disloyalty towards the parliament.' This was a dangerous power to place in the hands of the men, unless it was felt that their discipline and fidelity could be depended upon. Mrs. Everett Green speaks of 'the inherent loyalty of the sailors to their king,'[98] making this remark in connexion with, and as explanatory of, the difficulty experienced by the council of state in obtaining men in 1653. I must confess that, notwithstanding the weight justly attaching to her opinions, I am quite unable to see during these years any sign of this loyalty. Under the government of Charles they had been compelled to serve by force, and had lost no opportunity of venting their anger and discontent; when the occasion came they eagerly and unanimously fought against the sovereign to whom they were supposed to be inherently loyal, without one instance of desertion or dissatisfaction of sufficient mark to be noticed in the State Papers. When a mutiny did at last occur it was due to circumstances connected not with the rights of the king, but with the narrower personal jealousies of naval command; it happened when the fighting was done, and, in all probability, would not have happened at all under the stress of conflict. During the Commonwealth they continued to serve the state under conditions of great strain and trial, which might well have tried men of greater foresight and self-control than seamen, without more than slight and unimportant outbursts of insubordination of a character which, allowing for the looser discipline of that time, occur to-day in all large standing forces. Whatever, at any time, their momentary irritation against the parliament, it never took the form of loyalty to Charles II. I would suggest that a more likely explanation of the difficulties of 1653 lies in the fact that the estimates required 16,000 men against the 3,000 or 4,000 sufficient for the fleets of Charles I.[99] At the most liberal computation the returns of 1628 (see p. 493) do not give, allowing for omissions, more than 18,000 men available for the royal and merchant marine; at least double that number would have been necessary to supply easily the demands of the two services in 1653. In no case under the Commonwealth did the men show that despairing recklessness of consequences which characterised their outbreaks between 1625 and 1642. More significant

[98] Preface to *Calendar of State Papers*, 1652–3, p. xii. In other prefaces Mrs. Green refers to the same point.

[99] The number eventually serving that year was nearer 20,000, but this included some thousands of soldiers.

still is the fact that the savage fighting of the first Dutch war, against the most formidable maritime antagonist we have ever faced, was performed in a fashion very different from the perfunctory and half-hearted service rendered to Charles I. And it is a further curious illustration of their hereditary loyalty that while they endured much hardship and privation rather than serve either under Rupert or Tromp against the Commonwealth, we are told by Pepys that they manned the Dutch ships by hundreds—perhaps thousands—during the wars of Charles II.

If, on the other hand, we are to really believe that 'inherent loyalty' was continuously latent in the English sailor, what words are fitting for the selfish and reckless indifference to the simplest human rights which tortured him into twenty years of consistent rebellion? On sea as on land Charles's misdeeds followed him home. In his days of power he had been deaf to the appeals of men who perished that he might attempt to be great, and to the cries of their suffering wives and children. In 1642 the sailors were deaf to his commands. What might—in all human probability would—have been the result after Edgehill if, during the winter of 1642–3, he had been able to blockade the Thames?

Private shipowners have always paid higher wages than the crown, and for several centuries the latter offered no compensatory advantages. From various chance allusions the rates of merchant seamen's wages during this period are found to vary between 22*s*. and 30*s*. a month. The stores provided for them could not have been worse than those of a man-of-war; but they had special difficulties, peculiar to the merchant service, to expect when in private employment. In 1628 among their grievances they complained that they were liable to make good any damage done to cargo, even after it had left the ship, until it was safely stored in the merchant's warehouse.[100] In 1634 they petitioned, in view of the dulness of trade, that exportation of merchandise in foreign bottoms should be prohibited,[101] but a year later a more important matter occupied their attention. All engagements were made by verbal contract, and it often happened at the end of the voyage that the owner disputed the terms, when the sailor was left helpless, having no proof to bring forward.[102] Moreover, if, as frequently occurred, he was pressed out of a homeward-bound vessel, his position was still more hopeless, while if he died at sea there was small chance of his family obtaining anything. In 1638 it was intended to form a Trinity House fund, on the plan of the Chatham Chest, for the benefit of merchant seamen and officers; one shilling

[100] *State Papers, Domestic, Charles I*, cii. 72.

[101] *Ibid.* cclxiv. f. 33.

[102] *Ibid.* ccevi. 87, 1635. In another copy of this paper (Add. MSS. 9301, f. 57) they suggest the sensible remedy of a register at each custom house, in which agreements might be entered.

a month was to be deducted for this purpose from the wages of officers, and fourpence from the pay of the men, except those belonging to coasters, who were to give sixpence.[103] The matter progressed so far that there was an order in council that a proclamation should issue in accordance with these views, but the scheme did not come into operation till 1694. If from one case referred to a court of law we may infer others, the form and amount of punishment on a trader was left to the discretion of the captain. On a Virginia ship an insubordinate boy was hung up by his wrists with 2 cwt. tied to his feet, with what results we are not told. The boy's complaint came before Sir H. Martin, judge of the admiralty court, who refused any redress, because of the necessary 'maintenance of sea discipline.'[104] But notwithstanding hard fare, hard usage, and sometimes doubtful wages, the position of the sailor on a merchantman was infinitely preferable to his fate when compelled to exchange it for a man-of-war. We meet with no instances of mutiny on merchant ships until they are hired by the crown, and the traditional hardihood and courage of the English seaman were always evinced when he was free of the crushing burden of the royal service. Sir Kenelm Digby, when commanding a squadron in the Mediterranean in 1628, noticed that while foreigners invariably ran from him, the English, without knowing his nationality, always stopped and prepared to fight 'were they never so little or contemptible vessels.'[105] With proper organisation there were sufficient men available at the beginning of the reign to have manned both the royal and merchant marine, as will be seen from the following returns made in 1628, but it is probable that the numbers did not increase much during subsequent years:[106]—

—	Seamen	Fishermen	—	Seamen	Fishermen
London	3,422	302	Northumberland	33	260
Kent	181	231	Cumberland	72	—
Cinque Ports	699	193	South Cornwall	731	393
Essex	309	357	North „	154	88
Suffolk	804	326	South Wales	753	—
Norfolk	600	436	Southampton and Isle of Wight	321	209
Lincoln	66	126			
Devon	453	86	Dorset	958	86
			Bristol	823	—

There were 2,426 watermen in London, also liable to impressment. Of the seamen two-thirds were at sea, one-third at home, their favourite abiding-place being Ratcliff. Yorkshire, North Wales, Chester, and some parts of Sussex are omitted, and the figures for Northumberland cannot include the Newcastle coal

[103] *State Papers, Domestic, Charles I*, cccxcviii. 23 and 40.
[104] *Ibid.* cclxxi. 12.
[105] Digby's *Voyage* (Camden Society), p. 9.
[106] *State Papers, Domestic, Charles I*, clv. 31 and cclxx ii. 135.

traffic, which in 1626 employed 300 colliers;[107] it may be, however, that their crews are reckoned in the London total.

In various ways, during the war time, parliament showed its satisfaction with the work done by officers and men, and occasionally rewarded them by extra gratuities of a month's pay or presents of wine. Doubtless these donations were also in the nature of bribes on the part of a power without much historic prestige compared with its opponent, and depending for existence on the goodwill of men who served with a closer regard to pay than to sentiment; but that the parliamentary authorities considered their relations with the navy fairly secure is shown by the fact that in 1645 they ventured to place the service under martial law.[108] In 1647 wages per month, were raised for officers as follows:[109]—

	£	s.	d.		£	s.	d.		£	s.	d.		£	s.	d.
Captain	7	0	0	to	21	0	0	Pilot	2	2	0	to	3	5	
Lieutenant	3	10	0	„	4	4	0	Carpenter	1	15	0	„	3	3	
Master	3	18	8	„	7	0	0	Boatswain	1	17	4	„	3	10	
Master's mate	2	2	0	„	3	5	4	Gunner	1	15	0	„	3	3	

The Chatham Chest, founded by Hawkins and others in 1590, for the relief and support of injured or disabled sailors, was not of so much use to them during these years as it should have been. The original contribution was sixpence a month from able, and fourpence from ordinary seamen, with threepence from boys. In 1619 the gunners joined the fund, and from 1626 all, whether able and ordinary seamen or gunners, were to pay sixpence. The sixpences were unfailingly deducted from their wages, but the distribution was more irregular. Every formality was employed for the safe custody of the money, and in 1625 an iron chest with five locks was ordered for this purpose, the keys to be kept by five representative officers of different grades who could only open it when together, and who were to be changed every twelve months. As an illustration of the value of these precautions the treasurer of the navy, Russell, the very next year took 2,600*l.* out of the chest with which to pay wages, subsequently excusing himself by the 'great clamours' then being made and the poverty of the state. He did not commence to return this money till 1631, and in 1636 500*l.* of it was still owing. Sir Sackville Crowe, when treasurer between July 1627 and December 1629, took out 3,000*l.*, and this sum, with the accruing interest, is regularly carried forward as a good asset till 1644, when there is a gap of ten years in the accounts, and in 1654 it no longer appears.[110] From the character of the man it is very unlikely that he ever paid. In 1632 a commission of inquiry issued, but if any report was ever made it has not come

[107] *Ibid.* xviii. 59.

[108] But only applicable in port.

[109] Add. MSS. 18772.

[110] *State Papers, Domestic, Charles I*, cccli. 78.

down to us. In January 1636 the chest had 542*l.* in hand and possessed Chislett farm producing 160*l.* a year,[111] but it was said that its narrow resources were further depleted by money having 'been bestowed on men that never were at sea.' Sir John Wolstenholme and others were directed to inquire in December 1635 into the administration, and their report was sent in by April 1637.[112] The yearly receipts from land were now 205*l.*; since 1617, when there was 3,145*l.* in hand, 2,580*l.* had been received in rents and 12,600*l.* from the sixpences. Out of this 3,766*l.* had been expended in purchasing land and 10,621*l.* in relieving seamen, 159*l.* remained in the chest and 3,780*l.* was owing to it. Of the 3,780*l.* some of the items went back to Elizabethan days, and two ladies were among the debtors. Between 1621 and 1625, inclusive, there was paid 1,722*l.* in gratuities and pensions, and between 1625 and 1629, 1,372*l.*;[113] as the first series were mostly peace, and the second war years, the men were either very successful in avoiding injury between 1625 and 1629 or, as is more likely, were defrauded of the benefits they could rightly claim. The result of the commission was that fresh rules, signed by Windebank, were shortly afterwards made, directing the treasurer of the navy to pay over the sixpences within one month of their deduction from wages, to make up the accounts yearly and 'publish them to all the governors,' that no pension was to exceed 6*l.* 8*s.* 4*d.* a year, although an additional gratuity might be given, and that the keepers of the keys were to be changed yearly.[114] As the last regulation was only a repetition of the one made in 1625, it is to be presumed that it had been previously ignored. Neither now nor afterwards, neither in official papers nor in the sheaves of ephemeral publications which enlightened this and the succeeding century, does it seem, with one exception, to have entered into the minds of those who ruled or those who tried to teach that the cost of providing for the wants or age of men disabled by service should in justice fall upon the country they had spent their youth and health in protecting instead of on an accident fund maintained from their own scanty earnings. The one government which in this, as in other matters, had a higher perception of its duties was that of Cromwell and even here only in a limited sense. The host of pamphleteers who in the succeeding reigns lamented the condition of the royal and merchant marine, or aired their universal panaceas for its ills, only rang the changes on further methods for the exploitation of the seamen to the private profit of the shipowner and the general profit of the state. For him to carry the burden of empire was to be its own reward.

The only consecutive accounts preserved for this reign are con-

[111] *Ibid.* ccexii. 90.
[112] *Ibid.* ccclii. 78.
[113] *Ibid.* p. 81.
[114] Add. MSS. 9301, f. 156.

tained in two volumes kept in the Museum at Greenwich.[115] Th[illegible]ey extend from April 14, 1637, to April 23, 1644, and, in round figur[illegible]es, give the following results:—

—	Owing to chest	Received	Expended	Received from land	No. of pe[illegible]n-sioners [116]
	£	£	£	£	
1637–8	3,768	1,545	1,361	248	62
1638–9	6,215	1,609	1,215	—	59
1639–40	5,600	1,849	1,364	—	59
1640–1	5,200	2,371	2,019	—	35
1641–2	4,800	2,761	2,635	479	55
1642–3	4,400	2,108	1,738	—	60
1643–4 [117]	4,400	1,238	958	—	61
1644 [118]	4,400	845	483	321 [119]	—

We do not know on what principle donations were allowed, bu[illegible] besides being slow and uncertain, gratuities were frequently di[illegible] pensed by favour rather than by merit. In 1637 a man hurt i[illegible] 1628 received 2*l.* and Apslyn, a shipwright, had 5*l.* 3*s.* 4*d.*, bein[illegible] compensation for the loss of his apprentice's services during [illegible]2 days, a sort of loss certainly never intended to be indemnified b[illegible] the founders of the chest. The majority of the men on th[illegible] pension list had 5*l.* or 6*l.* each, but most of the payments to injure[illegible] men were of a donative character not involving any further responsibility. Medical charges relating to the dockyards were also met from the chest, a Chatham surgeon being paid 43*l.* 1*s.* 4*d.* in 1638 for attending to shipwrights, injured while working on the 'Sovereign of the Seas.' The next year has a somewhat belated entry of 3*l.* to Wm. Adam, barber-surgeon, 'for sundry hurts and bruises received in Queen Elizabeth's service,' and again we find 33*l.* 11*s.* 4*d.* paid to a Woolwich medical man for care of shipwrights injured in rebuilding the 'Prince;' in 1640 surgeons were attached to the dockyards whose salaries of 40*l.* a year were paid from the chest money. The compensation for a bruise ranged from 1*l.* to 2*l.* Sometimes widows were granted burial money and a further small sum for 'present relief,' but never, apparently, pensions. A normally recurring item is a gift of 4*l.* 10*s.* a year to the almshouse founded by Hawkins at Chatham, and with equal regularity there is an annual outlay of some 5*l.* for the governors' dinners.

However open to criticism may have been the administration of the Chatham Chest at this time, it was undoubtedly in a condition of ideal purity compared with the depths of organised infamy to which it sank during the eighteenth century.

[115] I am indebted to the courtesy of Admiral Sir R. Vesey Hamilton, K.C.B., President of the Royal Naval College, for permission to examine these books.

[116] In receipt of yearly pensions.

[117] For eight months ending 4 Jan. 1644, N.S.

[118] For three and a half months.

[119] For a year.

The reign of Charles I commenced with mutinies; it ended in 1648 with another which deserves examination, since upon it some writers have based an inference of general unfaithfulness to the parliament, while in reality, whatever conclusions may be deduced, that, so far as the bulk of the men were concerned, is not one of them. From the days of Elizabeth, when they were accustomed to be led by captains who were seamen by vocation and sometimes by descent, often of their own class, and who understood them and their wants, the men had shown an intense dislike to the landsmen by a change of system in later years placed over them, who obtained their posts mainly by rank or influence, were ignorant of maritime matters, and were associated with a succession of disasters and years of abject misery. Manwaring, writing in the reign of James I, says that volunteers usually returned knowing as little as when they sailed, since the professional seamen hated them, and gentlemen generally, and would give no instruction. The experiences of more recent years were not likely to have lessened that feeling. During the war, therefore, the fleet had been commanded chiefly by admirals and captains who were trained seamen of no exceptional social position, but, judging from subsequent events, there must have been a sufficient leaven of landsmen in places of trust to keep alive the old prejudices. When, therefore, Batten, an experienced officer of many years' standing, who was vice-admiral and commanding in the Channel, and who had done good service to the state, was displaced in 1647, and his responsible charge given to Colonel Rainsborow, who began actual control in January 1648, there was doubtless some murmuring, although no evidence of it has survived. Nothing occurred during the winter, and in May 1648 there were forty-one ships in commission, of which only three were commanded by military officers; but the appointment of Rainsborow may have been regarded, as it actually proved to be, as the commencement of a return to the old system. Moreover the navy, generally, was presbyterian in feeling, while Rainsborow was a fanatical Independent and, judging from one of the accusations brought against him, does not appear to have exercised his authority with tact or discretion. In addition to this a certain amount of ill-feeling existed between the army and the navy, the latter not being inclined to coerce the parliament to the extent desired by the army, and Batten, in the 'Declaration' which explained his reasons for desertion, dwelt on the efforts of the army leaders 'to flood the ships with soldiers.' If the accusation was true, it would be a certain way, in the state of feeling between the two services, to give fresh life to the latent antagonism existing. We have no details of the workings of discontent which led up to action any more than we have of the secret cabals which preceded the Spithead mutiny of 1797, but in each case the outbreak was equally sudden. Towards

the end of May the crews in the Downs put Rainsborow ashore, giving as their reasons—

1st. The parliament of late grant commissions to the sea commanders in their own names, leaving out the king. 2nd. Several land-men made sea commanders. 3rd. The insufferable pride, ignorance, and insolency of Col. Rainsborow, the late vice-admiral, alienated the hearts of the seamen.[120]

Rainsborow had made his mark as a soldier, but he was not a stranger to the sea, for he had commanded a man-of-war in 1643. It is noticeable that no complaints are made about their treatment by the government, about their pay or victuals, and succeeding events showed how little the great majority of the fleet were in sympathy with the grandiloquent threats of the ringleaders on the king's behalf. Warwick was at once sent to resume the command of the fleet and adjust the differences existing. Whitelocke says that the men 'sent for the earl of Warwick and that the Derby House Committee, to follow the humour of the revolters,' directed Warwick to go, so that at this stage it is evident that having rid themselves of Rainsborow, they looked to Warwick rather than to Charles. We do not know what measures the earl took, but, in the last days of June, the crews of nine ships,[121] perhaps terrified at finding they received such slight support from the others and fearing punishment, possibly also influenced by Batten, went over with him to the prince of Wales in Holland. That so long an interval elapsed between the commencement of the revolt and their desertion shows how little the latter was at first contemplated.

Professor Hosmer[122] tells us: 'While the army was so formidable the navy scarcely existed. The sailors generally were for the king. Many had revolted and carried their ships across to Charles II in Holland, while in the crews that remained disaffection prevailed dangerously.' It would be difficult to mass more inaccuracies in so many words. There were forty-one fighting ships actually at sea, a larger number than had been collected since the days of Elizabeth, and immeasurably superior as a fighting machine to anything which had existed since 1588. The 'many' which had revolted were nine, and of these three were small pinnaces of an aggregate of 210 tons and 180 men; of the others, one was a second- and the rest third- and fourth-rates. If 'disaffection prevailed dangerously,' it is strange that not only did none of the remaining ships join the revolters, but they were known to

[120] *Reasons*, &c., dated 17 June. The officers who sign threaten, unless terms are made with the king, to blockade the river.

[121] Various authorities give 9, 10, and 11 ships; the discrepancies may most probably be explained by supposing that one or two of those which left the Downs turned back before reaching Holland.

[122] *Life of Sir Henry Vane the Younger*, p. 331.

be ready to fight them, and Batten on one occasion avoided an action on account of 'the very notable resistance' to be expected.[123] Instead of being disaffected, Warwick found that on board his own ship they prepared for fighting 'with the greatest alacrity that ever I saw . . . which, as the captains informed me, was likewise the general temper of the rest of the fleet.' Finally the sailors in the Downs, who 'generally were for the king' and were actuated by 'inherent loyalty,' concurred in December in the Army Remonstrance, requiring that Charles I, 'the capital and grand author of our troubles,' should be brought to justice for the 'treason, blood, and mischief' he had caused. The after story of the revolted ships is just as instructive on the point of their disaffection to the parliament. No sooner had they reached Holland than the men commenced to desert. By November five vessels had been brought back to England, and the ill-will manifested on the others was so pronounced that it was necessary to place strong bodies of cavaliers on board to keep the seamen in subjection.[124]

The outburst would have been serious had it been general. It was confined to a small section of the naval force, was due to dissensions relating to men rather than principles, and gives small countenance to the view that the navy repented the part it had taken. The loyalty of the majority and the speedy penitence of the minority were the best tests of the temper in which the parliament was judged by those who upheld it afloat; and if the disaffected minority loved Rainsborow and his employers little they showed that they liked Charles Stuart less.

M. Oppenheim.

[123] *Clarendon*, iv. 574, ed. 1888.

[124] Warburton, *Memoirs of Prince Rupert*, iii. 262.

Anton Gindely

'THE pageants of the sea,' we know, 'do overpower the pe[illegible] traffickers;' and when an argosy reaches port, he must [illegible] dull indeed who refuses to join in the rejoicings on the quay. B[illegible] some interest and sympathy are also due to genuine work to whi[illegible] time has denied the crown of completeness, but which derives i[illegible] portance from the dignity of its conception hardly less than fro[illegible] the solidity of its execution. Among great historical themes mor[illegible] frequently essayed than achieved, the history of the Thirty Years' War has a notable place. I do not speak here of so-called 'popular' treatments. Schiller, by a chance copy of whose book the subject of this brief memoir is said to have been inspired to attempt a different treatment of the same theme, dealt with it more or less by instinct, and uncommonly well, too, in his way, as was readily admitted by his more laborious successor. We all know, on the other hand, how almost every part of the ground has been enclosed by specialists, and how admirably their labours are in our own days beginning to be supplemented or supplanted by official documentary publications. But it is the treatment of the great war as a whole which is in question. Avowed fighters under this or that confessional banner have indeed rushed in to make short work of the problem, or attractive essayists (none among them more attractive than the late Archbishop Trench) have shown themselves possessed by the subject without pretending to possess it. Not of such, for better or for worse, was the late Professor Anton Gindely, who during the second and longer half of his learned career seemed nearer than any of his predecessors or contemporaries to establishing a prerogative claim on the title of historian proper of the Thirty Years' War. But he reckoned on too extravagant a scale with the possibilities of a hard-worked scholar's strength. From twelve to fifteen years, he used to tell the younger men, should be allowed for the collecting of materials, and something in proportion to the elaboration thereof. Moreover, he had expended a few years in general propaedeutics; or, to speak less pedantically, his life's task as an historian had but gradually revealed itself to him in the course of studies to which he had been led by circumstance as well as by choice.[1]

[1] For the *data* on which this article is based it is largely indebted to a biographical

Anton Gindely was born at Prague on 3 Sept. 1829. This sentence, in an English page, seems to speak for itself; but referring as it does to a writer on Bohemian history, a subject whose implicit bearing on Bohemian politics is not to be gainsaid, it cannot be left altogether without note or comment. Palacky, whose official successor Gindely became in the management of the Bohemian archives, and whose 'History of Bohemia' (a monumental work, notwithstanding all its foibles) it seemed the younger scholar's inevitable mission to complete, was at the utmost pains to prove himself, not only no German, but no 'child of German culture.' He took occasion to protest that in his youth he had received no German school-teaching at all; that his entire secondary training had been undergone by him in Hungary, where instruction was at the time conveyed exclusively in the Latin tongue; and that his earliest publication had been a translation into Bohemian of part of 'Ossian.' Since Gindely's death insinuations appear to have been proffered to the effect that he too was a Czech, and justified of his origin. In references to historical scholarship such contentions ought to be held puerile, and they are emphatically so in the case of a writer who in his life's work as an historian was as free from nationalism as (if we may credit those who knew him well) he was from a confessionalism to which even outside the limits of the once Austrian monarchy a primary importance has occasionally been attached in the case of men of his calling. But the facts, as to which there is no doubt, are sufficient in themselves. He was the child of a German ('Suabian') father whose ancestors had early in the eighteenth century been transplanted into Hungary, and who had thence migrated to the Bohemian capital, where he plied his craft as a carpenter. Here he married a wife of humble and, as it would seem Czech, origin, who in her intercourse with her children used both the German and the Czech tongues, which latter was, however, never acquired by her husband. Anton was in the sixth year of his age sent to a school where German was the language exclusively employed for purposes of instruction; and thence he passed into the normal school and the gymnasium in the *Kleinseite* of the city. Having passed through 'philosophy,' a kind of shell between gymnasium and university, he entered the latter, in 1848 or 1849, as a student of theology, which faculty he seems in 1850 to have abandoned for that of law. The former of these studies afterwards proved of considerable value to him in the commencements of his historical authorship; for, among the other good schooling which he described as necessary for sound historical work, he was wont to attach significance to a systematic training in dogmatics.

article by Professor J. Jung which appeared in the *Allgemeine Zeitung* of 9 Jan. 1893 (*Beiträge*), and to supplementary notes kindly communicated by Professor I. Goll. Palacky's polemical treatise *Zur böhmischen Geschichtschreibung* appeared in 1871.

But his tastes tended in another direction, or rather in other directions. For a time he seems to have hesitated between history and mathematics as his favourite studies; and when in 1852 he presented himself as a candidate for the office of a secondary teacher, he brought up mathematics and physics, together with history and geography, and the German and Bohemian tongues, as his special subjects. His mathematical abilities appear to have been considerable, and no doubt stood him in good stead in his subsequent ways of working as an historian. He certainly was an excellent arithmetician in the matter of dates and styles, so much so as to exhibit annoyance at printers' slips such as historians of a different type are only too glad to leave to be corrected by the internal consciousness of their readers. After undergoing a seven months' noviciate as teacher in the gymnasium on whose benches he had sat as a pupil, he was in 1852 duly appointed one of the assistant-masters in the *Realschule* at Prague. His final examinations had brought him into personal contact with Constantine Höfler, recently appointed professor of history in the university, and already well known by his researches into the Hussite movement, upon which as one of the editors of the 'Fontes Rerum Austriacarum' he afterwards shed considerable light. Of even greater personal significance to Gindely was the acquaintance now, or soon afterwards, formed by him with Baron Helfert, who held the important post of Under-Secretary in the Ministry of Public Instruction, and who combined with this office a love of historical research to which he has remained true through a long and distinguished life. Helfert recognised in the young teacher and student a veracity of purpose, finding its natural vent in an unrestrained promptitude of utterance on whatever subjects interested him, which seemed the best promise of effective research. The acquaintance ripened into a lifelong friendship to which the veteran survivor has borne pleasant testimony since Gindely's death,[2] and which counts for something in the relatively easy progress of the historian's subsequent career. It is easy to wish patronage suppressed in the world of letters; but of all the forms which the objectionable relation takes, surely the least offensive is that of encouragement, untainted by jealousy, on the part of a sympathetic friend outside the sphere of professional competition.

A Bohemian student of theology transmuted into a student of history could hardly fail to turn his attention to that particular religious developement which had, so to speak, immediately preceded the mixed historical movement known, in its bearing upon the history of Western Europe at large, as the Reformation. The circumstance that the Bohemian Museum had recently acquired

[2] See two articles in the feuilleton of the Vienna *Neue Freie Presse*, 31 Jan. and 1 Feb. 1893.

important new documents concerning the history of the Bohemian Brethren, specially directed Anton Gindely's attention to the subject; and when in 1853 a lucky accident temporarily offered him a freer sphere of combined study and instruction as acting professor in the university of Olmütz in Moravia, he was naturally led to the prosecution of cognate researches. A few months later the university of Olmütz found itself abolished; and Gindely, declining one of those purely local appointments to which German as well as Austrian officialism occasionally thinks (or thought) fit to consign its nascent academical luminaries, preferred to return to his former position at Prague. But he was now, in logical connexion with his training as an historical scholar, already entering upon his literary career. In 1854 he published in the 'Transactions of the Vienna Academy' an essay on 'The Dogmatic Views of the Bohemo-Moravian Brethren, with some notices concerning the history of their origin'—in this latter part of the treatise touching upon problems in dealing with which less cool inquirers have easily contrived to lose their self-control. In 1855 followed a monograph, based on the new manuscripts aforesaid, on 'John Amos Comenius and his work abroad'—a theme full of literary as well as historical interest. The personal adventures of Comenius may be described as an episode in the history of the Bohemo-Moravian Brotherhoods, as well as in that of the Ferdinandean persecutions, which drove him forth as an exile from his first refuge in the mountains of his native land. His writings are too theoretical to be generally inviting; but their significance is familiar to those acquainted with the educational speculations of Milton and his good friend Samuel Hartlib. Through Helfert's influence Gindely soon afterwards was enabled by a ministerial subvention to carry on his researches at Polnisch-Lissa, a chief seat of the banished Brethren, and to extend this his first important *Studienreise* into West Prussia, and thence to Berlin and Holland. As a matter of course he had crossed the Silesian frontier to Herrnhut, whither the bulk of the archives of the Brotherhoods had been transferred, and where, as is well known to students, they still remain.

On these researches and studies was based Gindely's first important work, which, although it may not fully correspond to the present state of historical knowledge on its subject, contained much that was new and of real service in quickening inquiry into a chapter of religious history deliberately obscured by the single-minded exertions of the Counter-Reformation. This was his 'History of the Bohemian Brethren to the year 1609' (2 vols., 1857), forming Part I of a contemplated larger work, 'Bohemia and Moravia in the Reformation Age,' and supplemented in 1859 by the 'Sources of the History of the Bohemian Brethren,' contributed by Gindely to Vol. XIX of the 'Fontes Rerum Austriacarum.' The

'History' itself was dedicated to Helfert, who states that it gave much satisfaction to the good folk at Herrnhut, and excited particular interest by its clear delineation of the character and work of Peter Chelcicky. Curiously enough, the volume of Palacky's 'History of Bohemia,' which treats of the teaching of the unforgotten author of 'The Net of Faith,' appeared in the same year, 1857; but at all events as a personal picture this avowedly required supplementing.

In his 'History of the Grant of the Bohemian Letter of Majesty of 1609,' which Gindely published in 1858, he promised a third volume of his 'Bohemian Brethren,' but this never saw the light. The time, in fact, had arrived when his studies were gradually but steadily assuming a broader bent, although he was still disposed to confine himself to Bohemian history as the primary object of his labours. A unique opportunity presented itself in the growing unwillingness—even had his physical strength permitted—of the veteran Palacky, to carry his national *magnum opus* beyond the fatal date of Mohacz, and the end of the Jagellon period of Bohemian history. Under what difficulties, due in no small part to the fiery, combative spirit of the national historian, had not this task been carried on till it was nearing even these limits! The present is no fitting occasion for estimating the merits of a writer to whom it could hardly have been expected, as human nature happens to be constituted, that full justice should have been rendered by his German contemporaries. But so much at least may be confidently asserted of Palacky: he had rescued the study of Bohemian history from the slough of despond with which it had feebly struggled during many a generation under the benevolent imperial and royal rule, even after the complete control of this study by the Jesuits had become a thing of the past. He had made up his mind from the first that the Bohemian public, as to whose genuine interest in the national history there never was any doubt, should be provided with more nutritious food than the dry bones piled up by Pelzel, or the more carefully articulated skeleton which Pubička undertook to compose with the aid of the existing chronicles, themselves not invested with too much solid flesh. (It was a continuation of Pubička's Latin compilation which Palacky, less fortunate in his day than Gindely, was originally invited by the Bohemian Diet to continue.) And Palacky's second signal service to the study of Bohemian history was his clear perception of the fact, that, in order to give to this study vigour and vitality, it was above all necessary to turn from the dull monotony of the chronicles to the more varied contents of the archives and other manuscript collections. The Revolution of 1848, which from one point of view first made it possible after a lapse of nearly two centuries for Bohemian history to be written at all, occurred about halfway in

Palacky's career as historiographer of his native land; but it would be unjust to deny that the change in the conditions of the study to which that career was devoted, was due to his personal efforts as well as to the course of public events.

The Hussite movement, and the wars to which it led, fell within the scope of the theme proposed to himself by Palacky; but upon the other great act in the drama which ended in the Habsburg Terror he declined to enter. The Hussite and the Thirty Years' Wars together, in relative proportions which I will not presume to calculate, changed the national life of Bohemia more largely and more radically than statistics (though these are, in the present instance, eloquent enough) could suffice to demonstrate. What lay beyond the stirring conflicts ending in the Ferdinandean persecutions was blank and dull; nor can it be wondered that the task which descended, or was about to descend, from Palacky to Gindely should have presented depressing, by the side of attractive features, to the young historian. I think, therefore, that there is but little difficulty in understanding how at the very time when he was intent upon succeeding Palacky as the historiographer of Bohemia, Gindely should have still further widened the range both of his ambition and of his labours, and have in due course conceived the ambition of becoming the historian of the Thirty Years' War.

But this interesting transformation of purpose (analogous, after its kind, to the enlargement of Gibbon's original scheme) was, of course, only gradually, and in its earlier stages no doubt unconsciously, accomplished. The first step was taken by the extension, which soon became continuous, of Gindely's documentary researches in repositories both near and remote. In 1859 he worked at Munich, the wealth of whose archives is probably unequalled in Germany and surpassed by but few collections elsewhere. It is needless to add that none of the valuable publications from these archives, by which Ritter and Stieve have rendered so great a service to the study of the *Vorgeschichte* of the Thirty Years' War, had yet made their appearance. At Munich Gindely was fortunate enough to be admitted by Döllinger to the familiarity of his afternoon walks. This great scholar's intellectual nature was communicative and unembarrassed like Gindely's own, and his conversation may have signally contributed to broaden his visitor's interests as an historical student. If so, his influence was doubly opportune, inasmuch as Gindely, who had, on his first visit to Berlin, listened with great satisfaction to the lectures of Ranke, was upon the eve of renouncing, as will be immediately seen, his sentiments of admiration for the 'Master.' In August 1860 he set forth on a journey which was finally to determine the scope of his life's work. Its object was an examination of some of the principal European archives with a view, in particular, to

the elucidation of the Bohemian troubles of the earlier part of the seventeenth century.

From Brussels and the Hague he passed to Paris, where his time was divided between the archives of the Ministry of Foreign Affairs and lessons in Spanish. In December 1860 he reached Simancas, which, since the opening of its archives eighteen years before, had been visited for purposes of study by precisely eight persons, of whom two were Spaniards. Gindely found here a fellow-student, whose name is well known to English readers. The eager and roughshod utterances of Bergenroth manifestly had some share (though it was doubtless but a subordinate one) in forming the views, which, shortly after his arrival at Simancas, Gindely announced to Helfert concerning the famous historian to whom the 'new learning' in the field of historical study owed a debt which no censures could wholly efface. Bergenroth's hostile criticisms of Ranke are well known; and if I here reprint Gindely's, it is not in order to help to perpetuate detraction from a great name, but rather because his *caveats*, it is clear, were seriously offered, although they occur in the course of a familiar letter.

Ten years have passed since I became acquainted with Ranke's writings, one after the other; at that time I was much impressed by his acute and sophistic (*sic*) exposition, by his lucid grouping of facts and arguments, by his systematic insertion of each incident in its place; and, being moreover myself still insufficiently familiar with the sources of the histories of other nations, I fell in with the opinion generally entertained in Germany, that Ranke had made quite magnificent discoveries in foreign archives, and more especially in Italy; and that it was he who in particular directed attention to the importance of the Venetian archives.

After, however, visiting Brussels and Paris, I found myself obliged to go critically through Ranke's 'History of the Popes,' and his 'French History,' in order to become acquainted with his whole stock of sources. The shallowness of his studies is in the case of his 'French History' really astonishing. Not only is he lacking in a complete knowledge of the printed literature of the sixteenth and seventeenth century, or passes it by with aristocratic *nonchalance*, but he even resorts to deception, wishing to make his readers believe that he has worked through the archives. The chief of these, the archives of the Ministry of Foreign Affairs, he does not indeed cite, for he was never there till the present year, when he was a fortnight [in Paris] in August; but he repeatedly cites the splendid Simancas collection in the archives of state, of which he never saw so much as a dozen folio volumes; and, finally, he cites the relations of Venetian ambassadors, and these last as the *arcanum* proper of his historical research. This repeated citing, with surprising solemnity, of Venetian despatches, to which in his 'English History' he attaches an equally great significance, is nothing but unworthy flummery. Inasmuch as he is acquainted with neither the French nor the English archives, he wishes us to believe that the key to the most important events is to be found at Venice. But it is an historical axiom, that nobody can well

understand and use foreign archives, till he properly knows the home archives—in this case the French or the English. A Venetian ambassador may send important information as to the character and ways of life of particular individuals, but as to affairs properly so called, he is as a rule far worse informed than are the newspapers to-day—which surely nobody would prefer to diplomatic despatches proper. And, furthermore, Ranke stayed only a few weeks in Venice, and can hardly have found time for making a real beginning with the long period into the whole of which he wished to inquire. I too propose to visit Venice, and expect to find some good things there; but it is not possible that I should find there what is only to be sought in the chanceries of Vienna, Paris, and Madrid.

The sum of my entire quarrel with Ranke is this: his 'French History' and his 'History of the Popes' nowhere go outside the historical literature which is known in France and in Italy; his citations from archives are mere crumbs stuck together in a chance fashion, in order to produce the appearance of being the results of systematic study. His superficial way of passing beyond the events themselves of which he treats, and the flexibility, in every direction, of his judgment, are a consequence of his extremely inadequate acquaintance with his subject, obliging him to proceed with caution, so as not to expose himself cruelly.

I omit, as too detailed in their polemics, the references added by Gindely to recent exposures of Ranke's method in England and in Germany (including Bergenroth's paper in the Leipzig *Grenzboten*), and to Alexander von Humboldt's contemptuous opinion of Ranke, which, considering Humboldt's pleasant habit of falling foul of all his neighbours, cannot be said to be either here or there. There can be no question, I apprehend, as to the force of some of Gindely's observations; nor is it an altogether improbable conclusion, from the way in which Ranke, by his own hands or by those of his agents, laid the foundations of some of his subsequent minor works, that he had become in some measure cognisant of the breaches which had been made in his reputation. I should not, however, have cited Gindely's remarks, had he not, if I may so express it, possessed, together with the courage, the conscience of his opinions. Of the dilettantism in original historical research, with which he rather harshly charged Ranke, it was the purpose and the labour of his life to avoid becoming guilty himself. Thus, at Simancas, he seems to have resolved to confine his readings and excerpts to the period between 1600 and 1650; and, indeed, he systematically began his *pensum* with the year 1606, in which one of the family councils that mark the real epochs of the Habsburg monarchy decreed the *échéance* of Rudolf II. But within these limits he was resolved to carry through his task, even if he should have to bear for six months longer the deprivations and discomforts of a sojourn which a picturesque historian might with significant accuracy have described as 'beyond the seas and mountains.' As a matter of fact, his original researches

seem, apart from the use afterwards made by him of the Vatican transcripts, to have extended as far as 1635 (the period of the peace of Prague). It is unnecessary to repeat descriptive details concerning his Simancas experiences which completely tally with those given by Bergenroth. Half-frozen in his ill-lighted cell, Gindely, according to one of the few 'phrases' ever penned by him, felt as if in the gardens of Armida (*wie in einem Zaubergarten*). 'When I now' —he had reached the year 1618—'bestow a general glance upon all I have collected, whereof one half is wholly new, while the other half teaches me how to understand after a wholly different fashion what was already known, I often feel intoxicated with joy.'

This journey, and the principles which it had matured in his mind, definitively determined Gindely's method as an historian. After his return home, he seized every opportunity of familiarising himself with the contents of those public home archives to which he was specially attracted, and with the private archives, now readily set open to him, of the great houses among the Bohemian nobility. Among the former, he devoted special attention to that at Dresden (always honourably known for its hospitality), and to that of Bernburg, the family abode, so to say, of the mysterious chancery of Christian von Anhalt, the indefatigable agent of the Protestant Union, and the incarnation of the spirit of militant Calvinism, which in its defiance of the catholic reaction may be broadly said to have marked out the issues of the great war. Delving in these and other half-buried treasure-houses of earlier seventeenth-century history, Gindely definitely formed his plan, and began systematically to calculate his means of advancing it towards ultimate completion. Within from twelve to fifteen years, he reckoned, the collecting (Droysen used to call it the heuristic) part of his work would have been accomplished. In the meantime, the work itself, his 'History of the Thirty Years' War,' would progress from stage to stage. He proposed to waste no time on introductions, or on other generalising passages, except such as might fitly find their place at the close of each of the chief portions of the *opus magnum*.

The variety of Gindely's archivistic studies, and the extent of ground which, in accordance with the plan gradually shaping itself in his mind, they were designed to cover, had become manifest in the communications concerning them made by him to the Vienna Academy, and published in its 'Transactions' of the years 1859–61. Here were first suggested the conclusions afterwards developed in his 'History,' concerning the ubiquitous activity of Christian of Anhalt in the period preceding the outbreak of the war, the designs formed by Wallenstein at the time of his second assumption of the generalate, and the relations between the systematic policy of Richelieu and the plans for a settlement that was to put an end to the European conflict. But it was only

ambulando that these conceptions took definite shape; nor can Gindely be said to have come before the public even as the historian of Bohemia in the seventeenth century till the year 1862—the year which the biographical sketch to which I have acknowledged my obligations at the head of this paper, designates as the 'critical year' of his life.

For in this year 1862 he, in the first instance, obtained professional standing by his appointment to an extraordinary professorship of history in the university of Prague. He was not promoted to an ordinary professorship till five years later; and to complete this note of his academical career, it may be added that in 1882, when the university was carried back into the times of Hus by being partitioned into a Czech and a German section, his option was for the latter division. Of at least equal importance was his nomination, in the same year, 1862, to the direction of the Bohemian archives, established by Palacky. In this capacity he came to superintend the publication of the proceedings of the Bohemian diet in the early part of the Thirty Years' War, on which are based some of the most interesting and novel passages in the first volume of his 'History.' He was about the same time entrusted with the control of the library of Prince George Lobkowitz, and thus brought into a close connexion with the literary interests of some of the leading families of the Bohemian nobility. Finally, and doubtless in part consequence of these appointments, he in this year married a wife, who survives to mourn the loss of one of the most honourable and straightforward of men (scholars, like kings, need not be considered as bipartite personalities). But even in Bohemia, married and settled professors and men of letters find it difficult to exist on the proceeds of 'extraordinary' chairs and learned researches. Gindely was lucky enough to meet with a publisher or publishers, for whom he compiled a successful series of historical manuals, some of which passed through several editions, while others found their way in translations into the Italian market.[3] At a rather later date, he appears to have become a regular contributor to the Augsburg (now Munich) *Allgemeine Zeitung*, where he was wont to give a periodical account of the progress of his researches, besides throwing many an interesting side-light upon the studies with which he was identified.

Thus (according to the paradoxical dispensation which rules these latter days of learning) he gained the 'leisure' necessary for carrying on his life's work. In 1862 appeared the first, and in 1865 the second volume of the last of the *prolegomena*

[3] A list of them is given in a short biographical notice of Gindely published in the Leipzig *Illustrirte Zeitung* of 12 Nov. 1892, by an accomplished historian, Dr. Arthur Kleinschmidt, to whose excellent *History of Westphalia under King Jerome* (1893) I may be permitted to pay an incidental tribute.

to his 'History' proper. How well I remember the eagerness with which, as a youthful student, I opened the 'History of Rudolf II and his Times' (1600–1612), and the new light with which even to the eyes of a *tiro* the book seemed to flood a dark and complicated period of European history! For the character and career of the unfortunate Spain-bred and brain-sick emperor (which it is difficult to study without an indescribable kind of compassionate indignation), and even the story of the unholy *Bruderzwist* which went near to wrecking the fortunes of the Habsburg monarchy, sink into almost secondary importance as we watch the operations of the *positive* force which took advantage of so unparalleled a political situation. The labours of Moriz Ritter, incomparable in their thoroughness, have since supplied in complete sequence the documentary history of the Union; but to Gindely it was first given to suggest a comprehensive survey of the movement of which Christian of Anhalt was the guiding spirit; and it was by this portion above all of his 'History of the Times of Rudolf II,' as his work might with advantage have been more simply called, that (unless I mistake) he vindicated his title to become, from no merely national standpoint, the historian of the Thirty Years' War on a new, *i.e.* documentary basis.

When in the first volume of his 'History,' published in 1869, and followed by Volumes II and III in 1878, Gindely reached the boundary of his actual theme, he was therefore merely entering on a narrative of which the immediate antecedents had been already clearly detailed on first-hand evidence by his own hand. And, since these volumes, as a matter of course, dealt in especial with the 'History of the Bohemian Insurrection,' he was at the same time adhering to the ground from which he had originally started as an historian. As a matter of course, there were not wanting voices to accuse him of having neglected the materials nearest to his theme and nearest to his hand, and of having ransacked the archives of Europe in order to leave those of Bohemia only half explored. Such two-edged charges are inevitable in the case of a writer who undertakes what, from the circumstances of Gindely's career, always remained in some sense a duplicate task. Fate prevented him from adding more than a single volume (Vol. IV, in 1880) in which, as narrating the Palatinate War of the years 1621–3, he partially disengaged himself from the purely national side of his theme; but he was fortunate in finding other opportunities for showing how, had his span of life been enlarged, he would have broadened the basis of his narrative in accordance with the widening of its range. In 1882 he produced as part of a popular series, 'edited' by Baron von Helfert under the title 'Das Wissen der Gegenwart,' a short 'History of the Thirty Years' War' in three small pocket volumes. This was the tardy fulfilment of a long-

standing promise, probably due to the circumstance that Gindely had been called upon to deliver a course of lectures to the Crown-Prince Rudolf at Vienna and Ischl. The book is excellently done, apart from the characteristic which it shares with few compilations of the kind, of resting entirely on its author's origina researches with regard to nearly two-thirds of the ground which it covers. This is the work which in its handsome (American) translation represents, I suppose, Gindely's historical labours in the eyes of most English readers.

The 'History' proper remains a fragment, but no puny one. Inasmuch as Vol. I reached to no later date than March 1619, the execution of a history of the entire war on the same scale was hardly to be expected, if it was to be accomplished by a single man; and in fact the author soon in some measure quickened his pace. Thus the work, even as it stands, may be thought wanting in symmetry. But this defect was hardly to be avoided, and, certain passages in Vol. I perhaps apart, is not to be ascribed to episodical lengthiness on the part of the author. Among these might be included the narrative of the transactions which directly led up to the 'defenistration' of Martinitz, Slavata, and the unlucky Fabricius, were it not that it succeeds in placing these transactions in an essentially new light by showing them to have amounted to a deliberate assassination-plot. More exception was afterwards taken to the account of the battle of the White Hill, which occupies the opening chapters of Vol. III and forms the climax of the whole of this section of the work. The writer's strength appears however quite as palpably in some of the passages in these volumes to which a less obvious interest attaches. Among these may be signalised in Vol. II the negotiations with Spain which resulted in the first compact between the Spanish and the Austrian branches of the house of Habsburg that threatened a lasting unsettlement of the peace of Europe, and converted the Bohemo-Palatinate difficulty into one in which all the chief powers were directly called upon to intervene. Accordingly in Vol. III a survey of the operations of English and French statesmanship is drawn into the sphere of the narrative, and the last futile efforts of the Palatine policy are elaborately traced. In Vol. IV, where we find ourselves largely on ground rendered more familiar to English readers by the researches of Mr. Gardiner, we follow the completion of the collapse of the protestant cause in both Bohemia and the Palatinate, the beginnings of the chastisement, and with it the beginnings (at Ratisbon and elsewhere) of that jealousy of the power of the House of Habsburg which was to contribute so materially to new and unforeseen developements. A more remarkable versatility—if I may use the phrase—in the utilisation of research than is exhibited in this volume, it would be difficult to point among the productions of modern historical learning.

As to mere effects of style, Gindely from first to last simply gave no thought to them. But a writer who is always in full possession of his subject, rarely needs to be effusive in order to impress, or to condense himself for the sake of pregnancy. Speaking for myself, I have never found Gindely's work either tedious or obscure.

The labours which bore such substantial fruit had during the years 1870–3 been interrupted by a serious illness, taking the too significant form of congestion of the brain. But by means chiefly of pedestrian exercise taken in or near Meerane Gindely seemed to have gradually recovered his full powers; and after he had produced the fourth (and by far the largest) volume of his 'History,' he actively carried on his preparations for its continuation. He had to complete that story of the Bohemian Counter-Reformation which forms the darkest chapter in the later annals of his native land; and this portion of his task he is understood to have left behind him in a finished state. But already the mighty figures which stood forth so prominently in the middle portion of the history of the war, while they exercise an even more commanding attraction upon students of what may be called its secret history, were largely occupying his attention. In 1886 he published a separate work on 'Wallenstein during his First Generalate in the light of Contemporary Sources, 1625-1630,' and as a matter of course found himself embedded in a nest of—historical critics. Wallenstein, says Palacky, is the ticklish point in Bohemian history; and Gindely, who showed the reverse of a disposition to discuss the mysterious character and complicated proceedings of the great self-centred intriguer with a view to his 'rehabilitation,' was accused of Czechish prejudices in venturing to impugn the integrity of purpose of the hero of so many 'interpretations,' even in the period preceding his deposition from the supreme military command. When, in a contribution to the 'Transactions of the Bohemian Royal Society' (1889), he proceeded to advance doubts of Friedland's motives at the time of his second assumption of the generalate, fresh protests arose. The subject is not one on which to formulate an opinion in a casual sentence; but the quasi-personal insinuations against Gindely made in connexion with it may be set down as intrinsically absurd. With Richelieu also Gindely specially occupied himself, and an entire volume concerning the cardinal is said to await publication, together with those other unpublished portions of the work which are in a sufficient state of completeness, under the editorship of Tupetz, favourably known to students of the Thirty Years' War by his lucid account of the Edict of Restitution and its results. It is to be hoped that means will also be found for rendering accessible to a wider public Gindely's view of another notable personage in the history of the war, of whose proceedings in the critical period of the Bohemian troubles

he had had much to say in Vol. IV. of his 'History,' but of whose subsequent share in the combinations against the house of Habsburg an account from the same hand would still be welcome. The character of Bethlen Gabor, though an opportunist (not to say a treaty-breaker) *par excellence*, possesses many general features of interest, apart from the fact that the diplomacy of his age was only too willing to utilise his flexibility. Gindely, actuated probably in part by motives of filial piety, offered his complete 'History' of the accomplished Transylvanian (1890) as a homage to the Academy of Buda-Pesth, of which he had recently been elected a member, and which at once caused the work to be clothed in the garb of the national tongue.

But although the historian's activity seemed to have been restored to its full height, a second warning of failing strength was not very long in making its appearance. While he was engaged in a visit to the Brussels archives in 1888, signs of suffering in the kidneys showed themselves; they returned in the summer of last year; a 'cure' at Carlsbad had the reverse of a satisfactory effect; and on 24 Oct. 1892 he died.

It would probably be easy to show that in the very remarkable period of Bohemian national life in which Gindely's lot was cast, he exercised no insignificant influence, both of a stimulating and of a moderating kind, upon an interesting political developement of which this is not the place for discussing either the actual aims or the probable end. But whatever may have been the ethnological character of Bohemian culture in the days—let us say, in order not to go too far back into the past of Charles IV,—in the days of Anton Gindely's training as a scholar, this culture was essentially German; and though he was essentially free from nationalist feeling without by any means setting his face obstinately against the wind, it is as a German scholar that he must be to all intents and purposes regarded. Nor would it be easy to find a better example of the best variety of the type. The search for truth in the sphere of inquiry to which he had devoted himself was at once the sole purpose and the sole passion of his life. In this search he laboured as few have laboured even among German scholars.

To the wiriness of his physical frame the intense energy of his intellectual and moral nature accurately corresponded. He was, as has, I think, been sufficiently shown, devoid of so much as the instincts of a partisan; an occasional gently elegiac touch is all that directly reminds us of his having been a patriot. But he was not even encumbered by any desire for that species of popular applause and academical success at which it is quite possible to aim within the limits of the learned world. These he might have gained as a national historian, without going much out of his way, by combining a good deal less than Palacky's fire with a good deal

more than Palacky's discretion. And he might have gained them as an historian of the Thirty Years' War, not by fine writing which would have been out of his way and which counts for little in such regions, but by making very special discoveries or arranging his discoveries so as to seem very special. Instead of this, he worked on, searching for the truth and telling it. I suppose there can hardly be a branch or a direction of historical research, were it ever so provincial or local, with which his own labours came into contact, that has not materially benefited by them. Thus the entire territory surveyed by him, than which none more complicated in its conditions is to be found in the domain of modern history, has become more luminous; and though the mere literary structure achieved by his hands is but a beginning, no more complete edifice is likely to take its place in the honours of which he may not justly claim a share.

A. W. WARD.

Notes and Documents.

NIGEL, BISHOP OF ELY.

THE results of a search among manuscript authorities on the doings of Bishop Nigel may be worth recording, especially as on one or two points they differ slightly from those given by Dr. Liebermann in his 'Einleitung in den Dialogus de Scaccario.'

The first point I would touch upon is this: Dr. Liebermann held that Nigel, with his uncle and cousin, administered the realm in Stephen's absence (1137). I have not been able to discover proof that Nigel shared in the government. The only evidence adduced by Dr. Liebermann is that *eine Urkunde von circ.* 1137 ('Mon. Ang.' iv. 120) *hat 'Episcopo Eliensi, justiciario, vicec. &c.,' ein Beweis für seine hohe Stellung.* But this charter (which contains a grant of an estate in Kent to a religious house) is attested by William of Ypres and Richard de Luci, and can, therefore, scarcely be earlier than 1140, and is probably later. I have noted two other charters with the same address ('Monasticon,' iv. 216). Of these the second cannot be earlier than 1140, for it confirms a grant by 'Constance, wife of Earl Eustace, my son.'[1] The first of them cannot be dated so confidently, but Reginald de Warenne, by whom it is witnessed, occurs as a witness to royal charters, I think, after the departure of Earl Warenne on crusade, *i.e. circ.* 1148. The charter is dated *Apud Mapertes Halam in obsidione*, and Mr. Howlett has suggested that it may refer to the siege of Bedford in 1138.[2] But the above witness's name suggests, as I have said, that, like the other two, it belongs to a later day. I may add (as to the original charter) that Dr. Liebermann's reading, 'justic*iario*,' is merely, I think, a wrong extension, as is shown by the reading 'justic*iariis*' in the other case ('Monasticon,' iv. 216). It was the custom, in charters, to leave the word unextended. Thus there is no proof that Nigel was great justiciar at any period of the reign, while as for 1137 a writ quoted by Mr. Howlett in his

[1] It is probably several years later, for Mr. Howlett argues, in his introduction to the *Gesta Stephani* (p. xxi), that up to 1147 or 1148 Eustace is merely styled *filius meus*, not *comes*.

[2] *Ibid.* p. xxv.

valuable introduction to the 'Gesta' (p. xl) affords a very strong presumption that the office was, in that year, held by the earl of Leicester.

I now pass to the papal bulls relating to Nigel and Ely. The order of these documents is best preserved in the Cotton manuscript, Tib. A. VI., where the first is a bull of Innocent's ('Praepostulatio'), which is dated *Non. Dec. indictione secunda incarnationis dominice anno . . . tricesimo nono pontificatus vero domni Innocentii pape secundi anno nono*, and is *Data Laterani* (ff. 110 b–111).[3] The year-date is at variance with the two other notes of time, and we can scarcely be wrong in assigning it to December 1138. It is a general confirmation to the church of Ely of all her possessions, and specially of Charteris Abbey, and it authorises Nigel to punish those who defraud her of her rights: *Secundo terciove commonita [persona] si non reatum suum congrua satisfactione correxerit potestatis honorisque sue dignitate careat*, &c.

The next papal bull is that which bears date 27 April (5 *kal. Maii*) 1139 (Tib. A. VI., ff. 112–113 b). As the date is omitted in Titus A. I. (ff. 36 b–37 b), from which Dr. Liebermann worked, it is assigned in Wattenbach's edition of Jaffé (No. 8028) to 29 April 1139, evidently on account of the three letters (Nos. 8025–7) of that date (3 *kal. Maii*), being obviously connected with it. In Tiberius A. VI. (ff. 113 b–114) these three letters follow immediately on the bull, to which they are, clearly, complementary. As the bull itself, we have seen, is dated, it confirms the year assigned to these letters, viz. 1139. The first letter is addressed to Bishop Henry of Winchester (as papal legate), and commands him to confirm Nigel's sentences on those who detained the possessions of the church of Ely. The second is addressed to Stephen, and requests him to support Nigel in recovering the estates of his church. The third is to Nigel himself, and requires special attention. The relevant words are these:—

> Nuntios a serenitate tua ad sedem apostolicam destinatos, industrios siquidem viros, benigne suscepimus, et super devotionem et amorem quam erga sanctam Romanam geris ecclesiam gratulamur. Quum te occupatum multis negotiis esse accepimus, ideo serenitatem tuam et Rodbertum Abbatem de torneia pro quo supplicasti a presentatione concilii relaxamus.

Now, if Innocent wrote in these terms, how can it possibly be maintained that Nigel had been attending the Lateran council, in person, that very month? Is it not absolutely certain that he sent these *nuntii* in his place? We have independent testimony to exactly the same effect. Richard of Hexham writes, under 1139:—

[3] Also Titus A. I. f. 35, where it is undated.

Legatus mox post octabas Epiphaniae cum suis ad mare reversus transfretavit. Nam ad praedictum concilium domini papae tempore congruo pervenire properavit. Tedbaldus quoque Cantuariensis archiepiscopus, et Rofensis, et Simon Wigornensis, Rogerus Coventrensis, Robertus Execestrensis, v episcopi, et cum illis iiij abbates, pro omnibus episcopis et abbatibus Angliae ad idem concilium iverunt. Namque rex S. propter turbationem regni sui, quae gravis tunc imminebat, plures illic mittere noluit.[4]

Nothing could be more precise than this, and we can well believe that Stephen preferred to keep Bishop Roger and his nephews safely at home. Nigel, no doubt, sent *nuntii* instead, just as Thurstan of York (Richard of Hexham tells us) did on his own account.

Dr. Liebermann, however, held that not only Nigel but Alexander attended this council.

Alexander von Lincoln und Nigel von Ely besuchten im April 1139 das lateranische Concil; die enge Verbindung, in welche die mächtige Prälatenfamilie nun auch zu Rom trat, schien ihr eine dem wankenden Thron um so gefährlichere Stellung zu geben.

His authority for Nigel's presence is that John of Salisbury asserts that he was there; and unquestionably John, writing in the name of Archbishop Theobald, says:—

In concilio Laterani, cui nos et vos, frater Episcope, interfuimus, domino Innocentio praesidente, audivimus vota talia, promulgato canone, condemnari.[5]

In this indignant rebuke to Nigel he refers to the canons promulgated in 1139. What can we say when the evidence is so flatly contradictory? One can only suggest that in writing some twenty years after the time, he made a mistake in supposing that Nigel was there. At the same time it is right to add that a charter of Stephen confirms to the monks of Ely all their possessions as they held them *die qua Nigellus episcopus novissime movit ire Romam*,[6] which suggests that he went thither more than once in the course of Stephen's reign.

I cannot, therefore, claim to have absolutely disproved Nigel's *Romreise* in 1139, though it seems impossible to reconcile with the positive evidence I have quoted. As for Alexander, I cannot think there is any proof of his presence. Dr. Liebermann relied on a papal bull of 28 April 1139[7] in favour of the church of Lincoln, but Nigel and Alexander were so intimately connected that one does not wonder to find Ely and Lincoln bulls together.

The next series of documents consists of eight charters of Stephen

[4] Ed. Howlett, p. 176.
[5] Ep. lvi. (Giles, i. 59–60).
[6] Titus A. I. f. 34 b.
[7] *Mon. Ang.* vi. 1277, where the date is printed 'MCXXXVIII.'

in Titus A. I. (folio 34) which are not found in Tiberius A. VI. Their special interest lies in the confirmation they afford to the 'Historia Eliensis.' Thus that narrative states that after Stephen's capture of the Isle of Ely the monks disavowed any complicity in Nigel's action, and implored him not to punish them.

> Ille benignus et pius ut erat pectore non solum innoxios donavit, verum etiam carta sua omnia illorum in pace constituit atque dimisit ('Anglia Sacra,' i. 621).

This very charter heads the list and confirms to the church of Ely all her possessions as held under the Conqueror and his predecessor. A second charter insists on all her spoliators being constrained to restitution. The former charter is witnessed by 'Philip the Chancellor,' William of Ypres, and William Martel; the latter by 'Philip the Chancellor,' the Earl Warenne, and William Martel. The chancellor's name fixes the date 1140, for Philip (de Harcourt) had succeeded Roger 'Pauper' the previous year, and was himself about to vacate the office on his appointment to the see of Salisbury.[8] William of Ypres, as the best captain at Stephen's disposal, would be naturally with him in his attack on the fenland. Both charters passed at Cambridge, to which the king must have withdrawn on his way back to London for the Mid-Lent Council (1140). The third charter passed at Hertford, clearly on the king's return journey, and is addressed to Geoffrey de Mandeville. It is thus further proof that Geoffrey, as I have maintained,[9] was not, at this time, yet an earl. It insists that the prior and monks are to enjoy all possessions, *sicut die qua rex Henricus fuit vivus et mortuus, et die qua episcopus Nigellus exivit de Ely.* Thus these three charters can all confidently be assigned to *circ.* February 1140. A fourth also must belong to the same group, for it is similarly addressed to Geoffrey de Mandeville. The king directs that Hugh and Stephen and Hugh de Scalers are to pay their *firma* to the monks as they did *priusquam caperem insulam de Ely.* The witness is Turgis d'Avranches.

The fifth charter anticipates the seventh, in error, but the sixth can be assigned to a later period in 1140, probably to the expedition against Worcester and Hereford, for it is witnessed, at Oxford, by Robert d'Oilli. The seventh of these documents is of special interest, because it confirms the statement in the 'Historia' that Nigel met the king at Ipswich (seemingly in 1144), and, at length, *concordiam vel gratiam ab eo impetrare potuit* (p. 624). The charter directs that Nigel is to have all his possessions *quum pacem de me*

[8] The continuator of Florence says that Stephen gave the see to Philip at Winchester about the beginning of 1140, but the Annals of Waverley (*Ann. Mon.* ii. 228) say it was done at London in the Mid-Lent Council (1140).

[9] *Geoffrey de Mandeville*, p. 49.

habet et concordiam mecum fecit. It is granted at Ipswich and witnessed by the Earl Warenne. The next (eighth) charter confirms to the monks of Ely all their possessions as they held them *die qua Nigellus episcopus novissime movit ire Romam.* The witnesses are Earl Gilbert and Robert de Ver. Last comes the ninth charter, which belongs to the close of the reign, and is chiefly notable for the fact that after ordering certain adversaries of the monks to leave their possessions alone, it adds: *et nisi feceritis, justicia mea Cantebrigescire faciat fieri.* I would claim this as a fresh illustration of the theory advanced in my 'Geoffrey de Mandeville,' Ch. iv., that at this particular time there existed the *local* office of 'justicia' for a county.

The consideration of these charters leads one to ask if the author of the 'Historia' did not work with the Ely bulls and charters (or copies of them) before him. Several things point to that conclusion. He quotes *verbatim* a papal bull and a letter of Archbishop Thomas; he refers, as in the matter of the grant of Hadstock, to charters still extant in the cartulary (Titus A. I.); and in one case his following of the charters raises a curious question. He asserts that when Nigel was expelled in 1140 papal letters were addressed *ad Archiepiscopum et Episcopos Anglie et ad Rothomagensem Archiepiscopum* for his restitution. No such letter to the archbishop of Rouen, on that occasion, is preserved, though there is one from Pope Lucius to him in 1144. It is singular, however, that this letter, which is found in Tib. A. VI (f. 114) and in Titus A. I (ff. 37b–38), in the latter is addressed *H—— archiepiscopo et episcopis eius suffraganeis,* in the former, *Thaedbaldo cant. archiepiscopo et episcopis eius suffraganeis.* This latter reading is clearly the right one, but Wattenbach's Jaffé (8101), working from the former reads: *H. archiepiscopo (Hugoni Rotomagensi?)* Was not the author of the 'Historia' similarly misled?

It is noteworthy, also, that the author traces Nigel's restoration to this letter as its direct result, wholly ignoring the triumph of the empress and the change in Nigel's circumstances which it produced. On the whole, his history would seem to be based largely on documentary sources, while his general knowledge of local information and the events of the period was decidedly small.

J. H. Round.

PROVINCIAL PRIORS OF THE DOMINICAN ORDER IN ENGLAND.

No list of the Provincials of the Dominicans in England, similar to the lists of the Franciscan Provincials printed in the 'Monumenta Franciscana,' appears to be extant. The following list is drawn from a variety of sources, some of them contemporary records,

others of very doubtful authenticity. In each case references are given to the authorities, and in most cases the words of the authorities, so far as they bear on the tenure of office, are added. The most noticeable blanks are those from 1339 to 1373, and from 1402 to 1471; but it is hardly necessary to draw attention to the incompleteness of the list both in names and dates.

Since these notes were sent to press, a more complete list of the Dominican Provincials has been published in the *Antiquary* by the Rev. C. F. R. Palmer. As, however, he does not give references to authorities, the following notes may still be of service to students. Father Palmer appears to have had access to official documents which are not generally known. He would confer a great benefit on students of the history of the Mendicant Orders, if he would publish an account of the extant records of the Dominicans so far as they relate to the English Province.

Gilbert de Fresnoy, 1221.—Trivet, 'Annales,' p. 209 (A.D. 1221): 'Hoc anno missi sunt fratres Praedicatores in Angliam, qui numero tredicim, habentes priorem fratrem Gilbertum de Fraxineto . . . Cantuariam pervenerunt.'

Alardus, 1235.—Grosseteste, 'Epistolae' xiv., xv.: letters of Robert bishop of Lincoln, 'fratri Alardo, priori provinciali Fratrum Prædicatorum in Anglia.' These letters were both written in 1235, after his consecration as bishop.

Henry, c. 1240.—Th. de Burgo, 'Hibernia Dominicana,' p. 458. Henry was made Archbishop of Armagh by Innocent IV in 1245.

Matthew, 1245(?)–1254.—Grosseteste, 'Epist.' c. p. 304; 'Robertus etc. fratri Matthaeo Priori provinciali et diffinitoribus capituli provincialis fratrum praedicatorum Angliae' (date uncertain). Liberate Roll, 31 Hen. III m. 4, (July 18, 1247); the king grants 40 marks to buy horses and harness 'ad opus . . . Mathei Prioris Provinc' ordinis fratrum predicatorum et fratris Ade de Marisco quos mittimus in nuncium ad partes transmarinas.' 'Mon. Franciscana,' i. 348; Adam Marsh in a letter written in March 125$\frac{2}{3}$ speaks of 'fratre Matthaeo, priore fratrum praedicatorum in Anglia.' Martene and Durand, 'Thesaurus Novus Anecdotorum,' Tom. iv, p. 1704 ('Acta Capitulorum Generalium ordinis Praedicatorum') Acta Cap. Gen. in Buda celebrati A.D. 1254: 'Absolvimus priores provincia'es Angliae, Vulgariae, Poloniae, Terrae Sanctae.'

——? 1254–1261.—'Thes. Nov. Anec.,' *ibid.*, and p. 1731; (chapter at Barcelona, 1261): 'Quia vero ordinatio et injunctio praecedentis capituli circa hoc (*i.e.* the admission of friars of other provinces to study at Oxford) non fuit observata a priore provinciali et definitoribus capituli provincialis eiusdem, absolvimus priorem provincialem Angliae et assignamus eum provinciae Teutoniae, ut legat Coloniae vel alibi, ubi videbitur priori provinciali expedire.

Nec volumus quod ad provinciam Angliae revocetur sine licentia capituli generalis,' &c.

Robert Kilwardby, 1261–1272.—Trivet, 'Annales,' 278. 'Hic autem (Gregorius X), quassato electo Cantuariensi, pontificatum eiusdem ecclesiae contulit fratri Roberto Kilewardeby, qui eodem anno a prioratu provinciali fratrum suorum, quem undecim annis gesserat, absolutus fuerat, et etiam ad idem officium reelectus.'

Hugh of Manchester (?) 1272–1282.—I have found no really trustworthy evidence for the statement in Quétif-Echard, i. 498, that Hugh was provincial at this time, or indeed at all. He was alive in 1305; see record quoted in Quétif-Echard, i. 498, dated 2 Aug, 33 Edw. I.

William de Hothun or *Hotham*, 1282–1287.—Peckham, 'Registrum,' 541: letter to William de Hothom, provincial of the Friars Preachers in England, April 25, 1283. Cf. *ibid.* 865 (A.D. 1284), 909 (A.D. 1285). 'Thes. Nov. Anecd.' iv. 1822, decrees of the General Chapter of Bordeaux, A.D. 1287; 'Absolvimus B. de Odone, priorem provincialem Angliae, et assignamus eum conventui Parisiensi ad legendum.' In the next chapter 'Frater G. de Odone' was punished for not going to Paris (*ibid.* 1825). See also Father Palmer's 'Prelates of the Black Friars' in the *Antiquary*, Aug. 1892.

William of Hereford, 1287–1290.—Pat. Roll, 18 Edw. I. m. 38. 'Rex omnibus amicis ballivis et fidelibus suis ad quos etc. salutem. Cum dilectus nobis in Christo frater Willelmus de Hereford Prior provincialis fratrum predicatorum regni nostri ad suum generale capitulum proximo celebraturum apud Ferrariam sit profecturus, vos amicos nostros requirimus et rogamus, vobisque ballivis et fidelibus nostris iniungimus et mandamus, quatinus eidem fratri Willelmo, cum ipsum per partes vestras transitum facere contigerit, non inferatis vel permittatis inferri in persona vel rebus iniuriam, molestiam, ... set ei et comitive sue saluum et securum conductum, (etc). Datum apud Westmonasterium XV die ffebruarii anno domini MCC octogesimo nono.' 'Thes. Nov. Anec.' iv, 1842, 1845; 'Guillelmus provincialis Angliae,' at the chapter of Ferrari. *Ibid.* 1849; (Acta Capituli Generalis Palentiae celebrati, A.D. 1291, § 22): 'Sciant fratres universi, quod priori provinciali Angliae, et socio provincialis Provinciæ post generale capitulum in via defunctis, tenentur cuilibet illorum in tribus missis, et alii secundum constitutionem.'

William de Hothun or *Hotham* (again), 1290–1297.—Record Office, Exchequer Q.R. Misc., $\frac{6}{2}$, m. 3; among the bequests paid after the death of Queen Eleanor, is a payment of 165*l.* for a number of Dominican houses, 'fratri Willelmo de Hothom priori provinciali fratrum predicatorum Anglie' (A.D. 1291), Trivet, 'Annales,' 364; A.D. 1197, 'Eodem anno idem papa (Boniface VIII) fratri Willelmo de Hotoun, priori provinciali fratrum Praedicatorum Angliae, archiepiscopatum contulit Dubliniensem,' &c. *Cf.* 'Registres

de Boniface VIII,' No. 1992 (June 16, 1297), where however he is not called provincial. According to Father Palmer (*Antiquary*, Aug. 1892), he was re-elected in the Provincial Chapter at Oxford, 8 Sept. 1290.

Thomas Joyce or *Jortz*, 1297–1303.—Record Off. Exch. Q. R. Wardrobe $\frac{1}{35}$ m. 1 (29 Edw. I); a golden cross left by Edmund, earl of Cornwall, to the four orders in England realised 237*l.* 9*s.*; the division of the sum among the orders is here recorded. 'Fratribus predicatoribus Anglie pro medietate trium parcium dicte crucis. . . per manus fratris Thome Georce Prioris provincialis eiusdem ordinis in Anglia apud Berkhampstede xxix° die Marcie (A.D. 1301), ix li. x d. et ob.' 'Thes. Nov. Anecd.' iv. 1888-9; decree of the general chapter of Besançon, A.D. 1303, 'Absolvimus priores provinciales. . . Angliae,' &c. According to Father Palmer (*Antiquary, ut supra*) he was at the General Chapter at Toulouse as Provincial in 1304, and quitted office about this time.

Robert de Bromyerd, 1304–1306.—Quétif-Echard, i. 498; a writ of Edward I, dated Aug. 2, an. 33 (*i.e.* A.D. 1305), containing the words, 'prout accepimus ex testimonio F. Roberti de Bromyerd, prioris provincialis in Anglia, et Hugonis de Mancestria de ordine memorato' (*i.e.* fratrum Prædicatorum). 'Thes. Nov. Anecd.' iv, 1904; decree of the general chapter of Paris, A.D. 1306; 'Absolvimus priores provinciales Franciae, Angliae,' &c.

Nicholas de Stratton, D.D. of Oxford, 1306(?)–1312.—'Thes. Nov. Anecd.' iv. 1934; at the election of Berengarius as Master of the Order, May 13, 1312, 'erant priores provinciales xvii, scilicet . . . Angliae frater Nicolaus Magister in Theologia Oxoniae.' *Ibid.* 1938; decree of the chapter of Carcassonne A.D. 1312; 'Absolvimus priores provinciales Angliae,' &c. Cf. *Antiquary*, January 1893.

William de Castreton, 1312–1315.—*Engl. Hist. Review*, vol. v. p. 108 (A.D. 1314); 'fratre Willelmo de Castreton, quem ipse Berengarius prefecerat in priorem provincialem Anglia.' Absolved 1315; *Antiquary, ut supra.*

John of Bristol, 1317–1320.—Oxf. Hist. Soc. 'Collectanea,' vol. ii. p. 272 (Univ. Arch. Y, 9.); 'autoritate Fratris Iohannis de Bristollia, prioris nostri prouincialis' (Dec. 11, 1320).

The provincials of the Friars Preachers and Carmelites were implicated in the Earl of Kent's plot and banished in 1330, *Chron. Galf. le Baker*, p. 44 (names not given).

Simeon Boraston (?) c. 1330 (?).—Tanner 'Bibliotheca,' 143.

Richard de Wynkele, 1337, 1339.—Rymer's 'Fœdera,' ii. 998 (Record ed.); among the ambassadors to the king of France is 'Friar Richard de Wynkele, provincial of the Friars Preachers in England;' Oct. 3, 1337. Cf. *ibid.* pp. 1121, 1130, from which it would appear that he was no longer provincial in 1340. Bale, MS. Seld. supra 64 (Bodl. 3452 in Bernard's 'Catal.'), fol. 191, mentions

a book 'Ex inventario Bibliothece fratrum Predicatorum Londini per provincialem magistrum Ricardum de Winkele, A.D. 1339.'

Hugh de Dutton (?) c. 1340 (?).—Tanner, 'Bibl.' 243.

Simon Henton (?) c. 1360 (?).—Pits, 487, Bale, i. 447.

Nicholas of Monyngton. Date uncertain; mentioned as provincial in the Guildford obituary (MS. Lansdowne, 963).

Thomas Rushock or *Russthok*, 1373–1382.—*Antiquary*, Nov. 1892; he was deposed in June 1378, and restored by Urban VI, Aug. 25, 1379. T. de Burgo, 'Hibernia Dominicana,' pp. 52-7, gives documents relating to a dispute between him and the General Chapter at Carcassonne (1378). See also Roman Transcripts (Record Office) Boniface IX, An. 8, lib. 71. Rushock became archdeacon of St. Asaph in June 1382, bishop of Llandaff in Jan. 138$\frac{2}{3}$ (consecrated in May): bishop of Chichester 1385; banished to Ireland 1388.

Ulric Sevard, 1383–1393.—MS. Addit. 32446, fol. 2, b: he was absolved April 2, 1393. [This MS. contains extracts from the registers of the Masters General of the Dominican Order, by Father Palmer.]

Thomas Palmer, 1393–1396.—See the account given by Father Palmer in the *Reliquary*, xviii. 162. Also MS. Addit. 32446, fol. 3, 4, 6. MS. Cotton, Galba EXI, f. 1, a letter of fraternity issued by Thomas Palmer, 1395.

William Pikworth, 1397, 1402.—MS. Add. 32446, fol. 8. *Reliquary, ibid.* (*cf.* 'Fascic. Zizan.' p. 287). 'Rolls of Parliament,' iii. 502 (A.D. 1402).

William Edmundson, 1471, 1474.—MS. Harl. 2176, fol. 27, contains an instrument dated in the provincial chapter at Chester, A.D. 1471, in which 'Magister Willelmus Edmundson Prior totius Ordinis Fratrum Predicatorum in Anglia ac S. T. Doctor,' decrees a celebration of a daily mass for Cecilia widow of William de Torboke, Knt., and her family. MS. Add. 32446, order to the province to proceed to the election of the provincial prior, June 9, 1474.

John Pain, 1474–1483.—MS. Add. 32446, fol. 9 b, commission to confirm or annul election of provincial (July 2, 1474): Payn mentioned as provincial, Jan. 147$\frac{4}{5}$, May 1476, May 1478 (*ibid.* fol. 9, 10, 11). Rymer's 'Foedera,' xii. 196 (orig. ed.); confirmation by Ric. III (July 16, 1483) of a grant made by Edw. IV (Feb 15, 148$\frac{4}{5}$) of the custody of the temporalities of the see of Meath, 'Iohanni Payn in Theologia Doctori, Priori Provinciali Ordinis Fratrum Praedicatorum in Anglia.'

William Richford, 1483–1501.—MS. Add. 32446, fol. 11 b: Rycheford was vicar of the province in July 1483, before the chapter was held at Northampton to elect a provincial; Rycheford seems to have been elected; he is mentioned as provincial in 1487

(*ibid.* fol. 12). There were implicated in Sir William Stanley's conspiracy, in 1494, 'certain priestes and religious men as syr William Richeforde doctor of deuinitee, and syr Thomas Poynes, bothe freers of sainct Dominike's order;' Hall's 'Chronicle,' p. 467 (ed. 1809). MS. Cotton, Vitell. A, 16, f. 152 b (Chronicle of London): 'Also this yere (10 Hen. VII) the 29 day of January was kept at the Guyldhall an oyer determiner which lasted iij days where . . . were adiuged to be drawen hanged heded and quartered iij spirituell men, that is to say the Deane of Powles, the provyncial of the blak ffreres, a noble dyvyne and famous precheour, and the pryor of an howse of the blak ffreres called Langley.' Hall (*ut supra*) adds that the priests were pardoned. Richford seems to have retained his office; an entry in the Master General's Register, dated May 19, 1500, runs: 'Frater Willelmus Rinchford provincialis . . . potest acceptare ultimas voluntates et exequitionem mandare:' MS. Add. 32446, f. 13 b. MS. Lansdowne, 963, (Guildford obituary): 'iv Non. Maii obitus doctissimi viri fratris Willelmi Rycheforde, SS. Scientie humilis Professoris et Provincialis Anglie qui moribus ac sacra doctrina totum ordinem decoravit.'

Nicholas Stremer, 1501–1504.—MS. Addit. 32446, fol. 13 b: 'Magister Nicolaus Stremer instituitur Provincialis,' June 2, 1501. MS. Lansdowne 963, pp. 124–5: 'viii Id. Nov. obitus Magistri Fratris Nicolai Stremer, quondam Prior Provincialis Angliae,' probably 1504. Cf. MS. Royal 6 C ix. (end): 'Pretium huius libri quod solvit Frater Nicholaus Stremer apud Evysham A.D. 1488, tunc cursor London' ibidem fuit. . .'

Robert Felmyngham, 1505-?.—MS. Addit. 32446, fol. 14 b. 'Rev. Magister Robertus Felmyngham unanimiter et canonice electus confirmatur provincialis' Nov. 11, 1505.

William Beeth (?).—Wood, 'Athenae,' makes him provincial c. 1500.

[In Boase, 'Reg. of the Univ. of Oxford,' p. 123, 'John, prior of the Dominican Order,' is mentioned under the date Feb. 152½; but it is not said whether he was provincial or local prior.]

Robert Miles, 1522, 1526.—Boase, 'Register,' p. 113: D.D. of Cambridge, sup. incorporation Oxford, May, 1520. MS. Lansdowne 947, f. 74 b (*ex Reg. Warham*); Thomas Bartlett was inducted to the living of 'Emeston' (Elmestone?) on Nov. 26, 1522, 'ex presentatione fratris Roberti Mylys, S.T.P. Provincialis Angliae ord. fratr. Predicatorum ac Prioris domus fratr. Predicat. de Langley Regis,' and another. MS. Addit. 32446, f. 15 b, letter of the General to Robert Miles, Provincial of England, June 26, 1525. *Ibid.* fol. 16: the next provincial chapter is ordered to investigate 'si provincialis teneat concubinam, habeat filios, vendat prelaturas et alia officia, &c., seu confirmaciones praelationum, inserviat

ebrietati, sit inutilis et invalidus pro exequendo officio provincialatus, sitque scandalosus, et huiusmodi,' and, if so, to absolve him.

John Hodgekins, 1527.—*Ibid.* fol. 16, 'Magister Ioannes Hoghkyns confirmatur in provincialem,' May 22, 1527. (Cf. Foster, 'Alumni Oxon.;' Cooper, 'Athen. Cantabr.')

John Hilsey, 1534.—'Cal. of State Papers,' Hen. VIII, vol. vii. p. 233, § 18 (April, 1534): George Brown, provincial of the Austin Friars, and John Hilsey, appointed provincial of the Dominicans, are commissioned to visit all the houses of friars in England. Cf. *ibid.*, No. 530. He appears to have kept this office after becoming bishop of Rochester in Sept. 1535.

A. G. Little.

MEMBER OF PARLIAMENT

The following entry on the order book of the council of state under the date of 27 June 1650, is the first instance that I have noticed of the use of the title 'Member of Parliament' employed as the designation of any one person.

> That Colonel Edmund Ludlow, a member of Parliament and of this council, be appointed a commissioner for the affairs aforesaid and lieutenant-general of the Horse in Ireland.

On the other hand, as Mr. W. D. Hamilton has pointed out to me, it was used earlier as a common designation of members of the two houses. Thus in a parliamentary remonstrance in 1642, we have (*Husband's Collection*, p. 67): —

> We think it our duty once to beseech your Majesty to give directions that your Parliament may be informed before Friday next, what proof there is against them [i.e. Lord Kimbolton, a member of the House of Lords, and the five members of the House of Commons], that accordingly they may be called to a legal trial, it being the undoubted right and privilege of Parliament that no Member of Parliament can be proceeded against without consent of Parliament.

Unless an example can be produced of the use of the term of a member of one house only earlier than 1649, it may be inferred that the title originally given as a common designation for members of the two houses became the designation of a member of one when, after the king's execution, the house of commons declared itself to be the Parliament. Getting into vogue, it was retained after the Restoration for members of the House of Commons taken singly, when men had forgotten that it could only be fitly used by those who were resolved to govern 'without a king or house of lords.'

Samuel R. Gardiner.

CROMWELL AND THE EXPULSION OF THE LONG PARLIAMENT IN 1653.

THE popular theory of the revolution of April 1653 attributes its origin as well as its execution entirely to Cromwell. He is represented as sedulously preparing and inciting the army to overthrow the parliament, and as seducing Lambert and Harrison to assist in his nefarious design. This is the view taken in Ludlow's 'Memoirs,' and in Clarendon's 'History of the Rebellion.' On the other hand Ludlow himself narrates various facts which are inconsistent with this theory. He describes Cromwell in August 1652 as successfully opposing the peremptory demands of the council of officers for the immediate dissolution of parliament. He records also Cromwell's complaints of the pressure which two parties, headed by Harrison and Lambert, were putting upon him to effect that dissolution. According to Ludlow this opposition and these complaints were both hypocritical, and indeed without that explanation of them, his theory of Cromwell's conduct was untenable. In the same way, whilst Clarendon represents Cromwell as inciting the army against the parliament, the contemporary newsletters amongst Clarendon's correspondence describe Cromwell, up to the very eve of his expulsion of the parliament, as restraining the army and resisting their demands for the dissolution of the parliament. Especially instructive in this connexion is a long report on the condition of English politics in March 1653, drawn up by that very acute and well-informed royalist agent, Daniel O'Neill. He describes the council of officers as split into two parties; a moderate party headed by Cromwell which supported the parliament; a violent party headed by Harrison, which wished to put an end to the parliament and place power in new hands; of these two parties that of Harrison was the stronger.

Putting together the evidence supplied by Ludlow and the evidence supplied by Clarendon's news-letters—which might easily be amplified and confirmed from other sources—it becomes plain that Cromwell's expulsion of the Long Parliament was not the finishing stroke of an elaborately worked-out plan, but a sudden change of plan, a desertion of the policy which he had previously been pursuing, and the adoption of a completely different policy. April 1653 is a repetition of May 1647.

To explain in detail the causes of this sudden change in Cromwell would require considerable space, but two suggestions may be made. One is that Cromwell found the feeling in the army too strong, and decided to go with the tide. This is the explanation given in a letter from Sir Edward Nicholas to Lord Wentworth.

> I understand by some passengers that are lately come out of England that Cromwell did rather join with Lambert and Harrison to preserve

himself, than that he did form this great alteration of the government in England, and that he hath no such absolute power in England or in the army as some apprehend . . . but that his authority depends very much upon the interest of the other two commanders and their fanatic faction.[1]

The other is the explanation consistently given by Cromwell himself in his speeches—that his action was caused by the sudden breach of a compromise which had been agreed upon between the officers and the leading parliamentarians.

Of the other papers annexed, the extracts from the news-letters amongst the Clarke Papers give some account of the rising excitement in the army during the early part of 1653, whilst one letter from the Clarke Papers and two from the Clarendon Papers supply accounts of the expulsion of the parliament which add a few new details, and are of interest as amongst the earliest narratives of that event.

C. H. Firth.

I. Extracts from News-letters among the Clarke Papers.

Jan. 4, 165$\frac{2}{3}$.—The officers of the army have bin a daye waiting uppon God and confessing their sins at St. James & this day they mett againe for that purpose. This is in order to the promotion of some publique affaire for the good of the nation & may produce something more than the last.

Jan. 7 [?].—The officers have bin seeking God two dayes ; the grandees fear a designe in hand.

Jan. 8.—This day his Excellency and the officers of the Army met at St. James's, and after much debate referred itt to a committee to draw uppe the sense of the Councell concerning the consistency of the Civil authority by successive parliaments & the just & equal dispensation of justice through the nation for the greatest ease & advantage of the people, & concerning matters of religion. The parliament this day ordered Major-General Harrison to bee appointed to take care of the act touching an equall representative & that itt bee brought in with speede.

Jan. 11.—Every Wednesday the House hath ordered to consider of regulating the Laws. Thursday next the committee of officers intend to make their report.

Jan. 15.—The committee of officers attended the committee of the Admiralty & Navy, desiring that godly able persons may be preferred to command in the fleet, & if such they wanted the army could nominate severall to them. This was well resented and care promised therein.

Jan. 21.—The officers at James's mett Thursday last & debated the letter to bee sent to all the regiments but could nott at present agree thereupon. A paper of advice was endeavoured to bee presented to them from several of the churches in London, but it was nott received.

Jan. 29.—Yesterday the councell of officers att James's resolved on their letter to bee sent to all the forces in the three nations & accordingly itt will bee sent forth the beginning of next weeke.[2]

March 2.—Monday next his Excellency & all the Major-Generals &

[1] $\frac{17}{27}$ May 1653 ; *Nicholas Papers*, ii. 13.

[2] For this letter see *Mercurius Politicus*, Feb. 3–10, 165$\frac{3}{4}$.

other commission officers are desired to meete & consider what is fitt to bee done by them in relation to a new representative either by petition or otherwise.

March 8.—A committee was appointed yesterday by the officers to attend & advise with his Excellency concerning a new Representative (the subject matter of their then debate).

April 9.—His Excellency's not going to the parliament or Councill this three weekes or month occasions many reports and as various interpretations. . . Our counsells are private & high; something extraordinary is speedily expected.

April 16 [?]—Friday his Excellency was at the House which cleared some former and vulgar jealousies.

April 19.—The Generall & officers mett this day in councell & partly concluded of dissolving this government, &. also of constituting another (by consent of parliament if possible) till another representative shall bee chosen. Tomorrow they meete againe upon it, & by the next you will heare more at large.

II. Extracts from News-letters amongst the Clarendon Papers.

March 18.—It was debated in the House on this day sennight whether we should send an Ambassador to Holland or noe. . . . The preaching people . . . are now very violent against this Parliament and the same day that the House debated this, the Councell of officers at St. James's had resolved to turn them out, and to have shut up the House doores, had not the Generall & Colonell Desborough interceded, who asked them if they destroyed that Parliament, what they should call themselves, a state they could not be; they answered that they would call a new Parliament; Then, sayes the Generall, the Parliament is not the supreme power, but that is the supreme power that calls it, and besides, the House is now endeavouring a Treaty with Holland (which is the only way that we have left for the destroying of the combinations of our ennemyes both at home & beyond sea) and if we destroy them, neither Holland nor any other Prince or State will enter into a treaty with us. This seemed to satisfy them at present, but they have mett since and are framing a petition to the House which we heare is very high, they have appointed fower for the carrying it, one of the fower told an acquaintance of mine, that if they did not agree to what they desired, they would then execute their former intentions. . . . The preachings at Black Friars Church discovereth great discontents, where on Monday last I heard 3 souldiers, officers in the Army, complayne of the great divisions amongst them, yet giving hopes that there might be reconcilements made. It is thought the Generall will call these preachings into question for they have scandalized the whole parliament.

April 1.—Our souldiers resolve to have speedily a new Representative, and the Parliament resolve the contrary; the General sticks close to the House; which causeth him to be daily railed on by the preaching party, who say they must have both a new Parliament and General before the worke be don; and that these are not the people that are appointed for perfecting of that great worke of God which they have begun. There came a regiment of horse to towne this weeke fullmouth'd against the

Parliament, but were not suffered to stay here above two days, before they with 3 violent regiments more were dispatcht out of the way towards Scotland, from whence (as we pretend) we expect new broiles this summer but it's rather beleeved 'twas to free ourselves from their clamors.

April 8.—We heare no talke now of our new Representative, the heate of the souldiers being somewhat abated by the Generall's sticking close to the House, and sending some of the maddest of them into Scotland.

[From another hand of the same date.]

Our Parliament (considering the present state of affairs, which are such as require not only unanimity in counsells, but a necessity of reserving the management in those hands that have hitherto governed with such advantage) are resolved to wave for the present a new Representative; but there is a zealous party in the Army (and it's thought instigated by some of the Parliament) that resolve, and in my hearing preached it openly, to have a new Representative, nay, and threaten it within a few weekes, to call them to an account for the oppression layd on the people for these 12 moneths past; these are so gallant and resolute that they will as much scorne a Peace of [with ?] Holland, or any Prince of the earth, as I heard them (three, one after another in one day) affirme in the pulpit, as you can imagine reasonable men should desire it. You will wonder to heare me say such fanatique people will shortly sitt at the healme, but really it's the opinion of all that it will shortly come to passe. Cromwell, though he seemes to dislike their way, is conceived to be a great stickler among them.

April 15.—Our preching people rant it very high against the Parliament. Sunday last a young glassier preached in Summerset House, and told his auditors they should ere long see a greater destruction fall on the Parliament than ever befell the Cavaliers. . . . The Army is now higher than ever against the House, and are resolved very speedily to pull them downe; they have drawne the General to them, who, as it's beleeved, was never from them, but meerly for their ends; yet hee not long since protested to the House, with weeping eyes, that he would as willingly hazard his life against any whatever that should professe themselves their enemys, as he had done against those that were publique enemys to the Commonwealth; but most of them know, he hath teares at will, and can dispence with any Oath or Protestation without troubling his conscience.

May 6.—Harrison hath lately written to an intimate friend, that the Lord had now at last made the General instrumentall to put the power into the hands of his people (meaning the phanatique gathered churches) contrary to his intentions; that it was the Lord's worke & no thankes to his Excellency.

III. A breife relation of the affaires of England as they stand at present. March 1653, *st. no.*[3]

There is a power which governeth at present, which power or governours are divided into two parties.

1. A certaine number of people who meete four dayes (or oftener if occasion be) in a weeke, who are called a Parliament.

[3] Clarendon State Papers, 1653, March.

2. A certaine number of people called an Army, whose worke or designe is carried on by their Generall Councell of Officers.

In regard the latter are the cheife rulers (though the former beare the name) I shall relate first how things stand with them.

1. This Army consist of about 25,000 men in all, who are devided into severall places, no greater body being together then those at London, which are about two Regiments of Horse and three of Foot. But in regard that the whole Army at present have nothing to doe (only those that are gone to sea) all the cheife officers are at London, who meete in a grand Councell (called the Councell of the Army) every Tewsday and Thursday. This Councell is devided into two parties: 1. The Faction of Cromwell; 2. The Faction of Harrison.

1. The heads of Cromwell's Faction in the Army are Whaley, Barkstead, Goffe, &c., whose designe is to maintaine and continue the government in the hands of theise men that are of the house at present, they knowing that if Harrison['s] partie prevaile Cromwell and his partie must downe. This partie of Cromwell consist cheifly of the meere Independants.

2. The head of Harrison's partie in the Army are Lambert, Rich, Pride, &c., whose designe is to put the government into other hands and to rout the present members of Parliament, supposing them to be very corrupt, and that it is fitt that others should rule as well as they, the continuance of men in government tempting of them to corruption. Of this Faction are all sects and parties except Independants, who are with Cromwell, and Royalists and Presbiterians, who are disowned by both parties.

As to the Parliament which are the number of people first spoke of they are also devided into two parties, that is the parties of Cromwell and Harrison.

1. Of Cromwell's partie are Heislrigg, St. John, Vanes both, Lisle, the Lord of Seale, Allen, Scott, Carew, Cawley, Salway, Stricklands both, and many others, which to name would be too tedious.

2. Off Harrison's partie are Colonel Rich, Westrow, Purfoy, Millington, Hutchinson, &c.

Note that Harrison's partie prevaile most in the Army and consequently most in the House; for the House know that what the Army will doe must be done, and therefore many will comply in hopes of standing hereafter.

Also you are to take notice that Cromwell hath his private Councell, who consist of members of the Army, the Parliament, and other Gentlemen. Soe hath Harrison his private Councell, who consist of the same sort of people as Cromwell's.

The common opinion of people is that Harrison's partie prevailes; this is also very evident. I have heard some men who are of Harrison's private Councell say that they doubted not but to bring their designe about before Midsomer next; I have also heard some of Cromwell's partie say that they doubted the same. There is no talke of Presbiterian nor Royalist at present, but all the discourse is of theise two factions in the Army.

Note, That the Generall Councill of the Army sent a letter about a month since to all the Garrisons in England, Scotland and Irland, to informe them that the Army had considered of the great mercy of God

in delivering them from the bondadge of Monarchy, &c., and they haveing the power put into their hands they must make use of it to performe three things, which is not yet done, and which they expected would have bin done ere this.

1. The settlement of the civell government in the hands of a number of people in whose hands it should continue, but such a certaine time as the people should agree upon.

2. For the regulating of the law for the dispatch of the subiect and lesse charge then hetherto hath bin practized.

3. For the settlement of religion or Church government. And desired them that when they went about this worke that they should doe as the Lord should direct them, &c.

As for the Sea affaires, the warr at first was sett on by those that were the procurers of the Act prohibiting of trade, which Act was procured by some few men for their interrest, when it came to be knowne that the Dutch tooke it so ill it was disputed hard whether it should be revoked; it was found that it would be for the dishonour of the Parliament to revoke an Act of that nature for the pleasure of any forraigner, and that if it should be done it would be thought it were done out of feare, therefore it was resolved that they would maintaine it, upon which both parties prepared for warr, which hath continued, the Parliament cannot in honour leave off neither the other, now it must be ended by strength of Armes. The Parliament want money and necessaries for warr; this I am sure of. If the Dutch can furnish themselves with these necessaries they will carrie it, as is supposed by the Parliament. The Parliament's desire was to sett out 150 saile this summer, and to devide them into three parties or squadrons, they could not accomodate themselves with men, money, nor provisions to doe it. What losse this last bout is to them I know not.

The Names of the Judge[s] of the Courts.

Upper Bench	*Common Pleas*
Rolls	St. John
German	
Aske	
Chancery	*Barrons of Exchequer*
Whitlocke	Wild
Keeble	Yates
Lisle	Thorpe

[Endorsed]:—State of the Rebells in England, received from Mr. O'Neale, 12 of March, st. nov. 1653.

IV. News-letter from the Clarke Papers. April 23, 1653.

His Excellency and several officers of the Army treating on the Tuesday before with many of the best members of parliament, about putting the government of the nation into some honest and able persons till a new representative should bee chosen (for that the bill resolved to bee carried on by parliament was not for dissolving this parliament but for recruiting it with such as probably would bee disaffected neuters, lawyers, or the like,

which would destroy the publique interest of the nation). The members promised to consider and give in their judgments thereof the next day and in the interim would endeavour to keepe the bill from passing. But this being told to most of the Members, the House (in the General's absence) called the next morning for the Bill, and before his Excellency could come had neere past it (contrary to promise, as was then told to them) wheruppon after something said by the general, Captain Scott marched into the House with parte of his companie, and tooke the Speaker's mace, and himself refusing to come out of the chair was (modestly) pulled out by a member of parliament and army. Alderman Allen was a little while under confinement for some words, but noe other member. They are generally displeased unlesse some few of them, who (it's thought) will be made use of for the next governors, none being yet chosen. They are to be 21 in all (whereof three only to bee of the army, viz. the Lord Generall, Major General Lambert, and Lieutenant-General Fleetwood) Those of the Parliament that are already come in are Major Salway, Colonel Bennett and Mr. Walter Strickland. The people are very calm and pleasant, expecting great and good things to be speedily done for the nation.

V. *News-letter from the Clarendon Papers.*[1]

Sir,—Tho at that distance you must needs bee shaken with our Wednesday Earth-quake at Westminster, yet I must give you some account of the Prodigy. The Reforming Souldier hath had for some time a purpose to dissolve, not change the House of Parliament, and he had soe farr a kindenes for the late Republic, as to affoord it an honorable Death and Buriall, if the Pillars would have contented themselves therewith, and according to their owne promises unto the Generall by their owne votes been Felo's de se as on Thursday last. But contrariwise on Wednesday morninge the House meant a delusory adjournment, and a new Representative on the 3^{d} of November next, which did soe much enflame Oliver and his attendinge mirmidons, that he threw himselfe forth into the midst of the House, his hatt cock'te and with the very breath of his mouth, beeyond Faux's his powder, he blew up the Parliament and Common-wealth, in an instant. He cal'd them a company of oppressive, perfidious fellows; and commanded and by Harrison enforced the unwillinge Speaker to leave his beloved chaire and mace. The last with the books, and keys he secured, and gave contumelious speech to Sir H. Veine the yonger, H. Martin the broad-fac'd adulterer, and sott, St. Johns, Allen, Col. Sidney, and (some say) Sir Arthur Haselrig in especiall, with others. The brave and fury of his carriage there was as contrary to the King's as his actions and purposes elsewhere, yet this last atcheevement was the justest of any, if it had come from another man. Thus is the Parliament, in the sound of which there was a charme, defunct and vanish'd without any hope of resurrection! His hate of rotten Presbyters and assurance that their new Representative would have been an inlett to that tirannical, and now sordid tribe, hath wrought theise miracles. What can he be lesse than soveraigne, that hath destroy'd Kinge, kingdoms, sett up and pul'd downe republics, and parliaments? The courtship of his owne

[1] Clarendon State Papers. No. 1115 (in *Calendar*). 1653.

gapinge creatures, I beleeve, will devolve all on one volens, nolens, specie Recusantis flagrantissime petit; tho' the present talke is, as if we should bee govern'd by a Councell of pack't confidents. Wee longe for the comminge Declaracion, that will acquainte us with the necessityes, at least the specious colour for these violent, and sudden mutations, and then haply wee shall know where to doe homage, and how low we must bow to our new Lords and Masters. Some timber of the house pul'd downe may bee of use in the new buildinge, and the most of change will bee in the men, rather than manners, with our new Lords some new laws wee shal have, the same that give us Gospel that give law too. That forloorn dragoon, Vavasour Powl, out of Whitehall pulpitt on Thursday morninge last, told us, that in the new Government intended, law should streame downe like a river freely, as for 20*s*. what formerly cost 20^{li}, impartially as the saints please, and it should runn as rivers doe, close to the doors; but surely sometimes with impetuousnes, and allways with mixture of mudd and filth. And these transactions have been without any passion in the House (but what appear'd in the Routinge it), our streets are not full of souldiers, here is noe tumult, nor noise; but yet wee have not soe much a peace, as a stillnes. Wednesday afternoon, the Lord Maior with some Aldermen attended on the Generall, resign'd the sword to him that could use it, and resum'd it againe by his favour with a charge to secure and governe the City with all heed. The Councell of State, with all commissions, is quite defunct, and your freind Whitlocke hath on command surrender'd the great seale, after some personal indignityes receaved in the House. 'Tis very dubious, whether wee shal have a terme or noe. I know noe oracles or laws besides our Conqueror's pâroll. Sir H. Veine and St Johns are vanished, but they with many others [5] may be squeezed hereafter. Who can tell whether three months hence he will not wish that he had died of a feavour? Tho' wee be tame att home, probably men will not bee soe abroad, the yonge man's bargaine is two in six better. Another [6] to anker at least would be desir'd.

I am, Yours.

My services to Mis Hoare and my Cosins. I shal soon send their bowls, which this busy admiringe [?] weecke I have neglected.[7]

VI. News-letter from the Clarendon Papers.[8]

London, Aprill 29th, 1653. st. vet.

On the 19th instant our General and some of our chief officers went to the Parliament, and moved that the Government of the Commonwealth might be devolved upon persons of knowne integrity for a time, as the most hopefull way of setling a lasting peace in this Nation; but the Parliament (whose eares were not open to any thing that might tend to their dissolution) resolved on the contrary, and the next morning fell hotly upon the Act for calling a new Parliament or rather recruiting the old, which Harrison hearing sent notice of to the Generall, who immediately with about 40 Musketeers came to the house and desired them peaceably to be gon, if not, he would force them out, which in conclusion he did; for Harri-

[5] In side margin. [6] *Id.* [7] In top margin.

[8] Clarendon MS., *Calendar* vol. ii. no. 1121.

son puld the Speaker by both his hands out of the chaire, and so turned them all out of the House, and lockt up the doore; the General reviling many of them as they passed by him, calling some of them drunkards, some adulterers,[9] and others dissembling creatures, and that he should have a time to call them all to an account. Many of them posted hence that night into severall parts of the Nation, but with what intent is not yet knowne. You may be assured that title of Parliament will never be assumed again in this Nation, for though our gallant Army are not yet resolved what shalbe the frame of Government, yet be confident that idoll Parliament wilbe with no lesse zeale rejected, then the name of King by the godly party, and we doubt not but in a short time we shall see our oppressors (specially the managers of the publique Revenue) called to a severe account. The chief officers at present sitt in Councell with the General at Whitehall, where the Councell of State did sitt formerly, and dayly proposalls of Government are offred, but as yet they are irresolute what to determine though we are made beleeve that for 6 weekes 12 shalbe chosen by the Army, and that time expired 100 shalbe constituted for a yeare, who shalbe neither cheating lawyers nor corrupt Parliament men, but godly persons; of this number the Lord Fairfax is one, and if any of the army, (the General excepted) they shalbe selfe denyers by resigning their Commissions pro tempore. Some godly Ministers have petitioned the Generall to make choice of 12, but himselfe to be Umpire, which is the result of their last Councels. He pardoned[10] all offenders which were here to be executed Munday last; only two for murther which were reprived till Wensday. God was sought to last Sunday in prayer openly in Churches to send a David among his people to go in and out before them, which makes many thinke they intend to make the General King.

The Chief Justices in Westminster-hall will not owne any power to sitt by, but the Parliament's, saying, that though the Parliament be at present disturbed, yet we shall finde their power is not taken away, and that they will ere long have a place to sitt in. The Tearme holds as yet, and all Committees, so that there appeares no obstruction in civill affaires: and this dissolution of the Parliament hath passed with so little noice as could not be expected. . . .

[Endorsed:—] 29 April, 1653.

[9] MS. 'Adulters.'

[10] C'est fait en Roy.

Reviews of Books

Lehrbuch der griechischen Staatsalterthümer. Von Dr. KARL FRIEDRICH HERMANN, weiland Professor in Göttingen. Sechste vermehrte und verbesserte Auflage, umgearbeitet und herausgegeben von VIKTOR THUMSER. I., II. (Freiburg i. B.: J. C. B. Mohr. 1889–1892.)

Handbuch der griechischen Staatsalterthümer. Von GUSTAV GILBERT. I. Zweite Auflage. Der Staat der Lakedaimonier und der Athener. (Leipzig: Teubner. 1893.)

Die griechischen Staats- und Rechtsalterthümer. Von Dr. GEORG BUSOLT. Zweite umgearbeitete und sehr vermehrte Auflage. (I von Müller's Handbuch der klassischen Alterthumswissenschaft. IV. i. 1.) (München: C. H. Beck. 1892.)

THE two parts of Hermann's well-known text-book which have now appeared under the editorship of Professor Thumser, cover, roughly speaking, the same ground as the first volume of Dr. Gilbert's smaller book which appears in its second edition. Dr. Busolt's work, also in its second edition, though smaller in bulk, embraces the whole range of Greek political antiquities except the details of legal process, to which, as he tells us in his preface, he hopes to return upon another occasion. The appearance of new editions of three such well-known handbooks would call for little comment, were not the present editions in many respects different from the previous ones. All three treatises have been much enlarged. The first part of the new edition of Hermann occupies 272 pages, as compared with the 217 pages of the fifth edition—an increase not to be wondered at in a treatise which, besides references to original authorities, includes also mention of all or nearly all modern essays or dissertations relating to the subjects with which it deals. In Dr. Gilbert's manual the part which treats of Sparta, although every paragraph tells of thorough revision, has increased by but four pages in 100, a surprisingly small amount when we consider the present activity in the domain of Greek antiquities. On the other hand his account of the Athenian state has increased by more than eighty pages, while Dr. Thumser has enlarged the treatment of the same subject in the last edition by nearly 160 pages. The new edition of Hermann differs from the fifth edition also in another respect. The volume just issued contains only the Athenian antiquities. The account of the development of the Greek states and of Greek political ideas which formed the third section, and the history of the colonies which formed the fourth section in the previous edition, have

been postponed for the present. Dr. Busolt's manual, which in the last edition appeared along with Bauer's 'Kriegsalterthümer,' and without an index, is now published separately and well indexed. This excellent work, which is now nearly twice as large as it was originally, owes its increase not merely to a fuller treatment of Athens, but also to an expansion of various other sections, more especially those which deal with the mutual relations of the Greek States and with the Greek Leagues.

The appearance of all three text-books at the present time is, of course, in the main due to the discovery of the treatise on the Athenian constitution, and some traces of haste which are discoverable, more particularly in Dr. Gilbert's, may not unfairly be attributed to anxiety to reach the market in good time. But the slips thus occasioned, it is but just to add, are of small importance—inaccuracies in the accentuation of Greek words and occasional mistakes of reference. The most important point in all three works is the attitude of the author or editor towards the treatise attributed to Aristotle. It is to be regretted that Dr. Thumser has not given us a special section dealing with the original authorities for the Athenian antiquities, including a definite statement of his attitude towards the Ἀθηναίων πολιτεία. To give such an account of the sources is now becoming the ordinary practice, and both Dr. Gilbert and Dr. Busolt explain clearly the views they hold respecting the newly discovered treatise. Dr. Busolt is the more cautious of the two. He considers that there can be no question that the treatise is the same as that which was attributed in antiquity to Aristotle, that it is probably the work of the philosopher, belonging as it undoubtedly does to the period before Aristotle's death, but that, while its account of institutions is invaluable, the historical introduction which occupies two-thirds of the existing fragment is to be used with great caution, since many of its statements are certainly incorrect (§ 7). To the same subject Dr. Gilbert devotes a long and carefully written introduction (pp. ix–xliii), holding that the Ἀθηναίων πολιτεία formed an integral part of the great treatise by Aristotle on the constitutions of 158 different states. He admits the possibility of the work being the compilation of a pupil of Aristotle, but inclines to attribute it to the philosopher's own hand. The defects of the treatise are explained by supposing that Aristotle died before he could put the finishing touches to his work. The investigation of the sources on which the historical introduction in the Aristotelian treatise depended is a piece of careful and painstaking research. The conclusion at which Dr. Gilbert arrives (p. xxx) with regard to the most difficult question in the whole work—the relations between the legislation of Draco, Solon, and Cleisthenes—is that we ought to accept without further question the statements in the Ἀθηναίων πολιτεία. Dr. Gilbert is strongly of opinion that it is not well to be wise above that which is written.

This is not the place to enter into a controversy with regard to individual points in the treatment of constitutional difficulties in Athenian history. But those stiff-necked persons who still refuse to take the Ἀθηναίων πολιτεία as the best or even as a first-class authority on the history of Athens will consider no small number of the results in all three handbooks in some degree vitiated by too close adherence to the statements of the Aristotelian treatise. Such scholars will be inclined to the view that this treatise, while it is later in time, is also,

to judge from its proved inaccuracies, inferior in historical value to the statements of Herodotus and Thucydides regarding matters of which they treat.

There is one further respect in which the writers allow theory unduly to bias their treatment of facts. Dr. Gilbert and, to a less extent, Dr. Thumser base their views of many early institutions on the slippery foundation of etymology, etymology also which is not in accordance with the most recent researches. The names of the Ionic tribes, Argades and Geleontes, even if we could arrive at any certain derivation of these words, would not of necessity contribute in the least to an understanding of their value in the historical period. The history of such words as Marshal, Constable, Stewart, ought to be warning sufficient against supposing that etymology will explain function as well as origin.

Apart from these two points to which the writers (though Dr. Busolt is less open to the charge than the others) attach what seems an exaggerated importance, all three works are deserving of the highest praise. Naturally the execution of the different works excels in different respects and at different points. Dr. Thumser's account of the σεισάχθεια (p. 375) seems distinctly preferable to Dr. Gilbert's (p. 143). On the other hand Dr. Gilbert's view (p. 124) that the six Thesmothetae were originally a body consisting of two assessors to each of the specially named archons—Eponymus, Basileus, and Polemarchus—is the most ingenious explanation yet propounded of the mysterious number of nine archons. The investigations of other writers produce some important changes in the text. In his first edition (p. 163) Dr. Gilbert concluded that at Athens the number of slaves in 309 B.C. was 400,000; Dr. Beloch's researches on the population of ancient countries have led to the reduction of the number in the present edition to 100,000. But Dr. Busolt's view (§ 11, note 5) that the original exaggerated number in Athenaeus arose through a confusion of the two values of M as 40 and 10,000 (μυριάς) is not likely to find general acceptance.

Hermann's handbook is on a scale adapted better for a book of reference than for a continuous account of Greek constitutions, but the completeness of its bibliography makes it indispensable to the advanced student. In the present edition the bibliography is given below the text instead of being appended as previously to each section. The new plan, if it makes the book more unsightly—the notes occupy much more space than the text—at least renders consultation more easy. For ordinary purposes the references of Dr. Gilbert, which are quoted with praiseworthy fulness wherever the original sources are difficult of access, will be found satisfactory. Dr. Busolt naturally cannot vie with his rivals in completeness, but as a handy account of Greek antiquities, stating with accuracy what is known on the most important branches of the subject, nothing could be better. The references are necessarily brief, but they are at the same time fairly representative. In English there is at present no book dealing with Greek antiquities as a whole which can be put into the hands of a beginner. Why does not some English scholar either produce a similar work or at least translate Dr. Busolt's? P. GILES.

The Annals of Tacitus. Edited with Introduction and Notes by HENRY FURNEAUX, M.A. Vol. II.: Books XI–XVI. (Oxford: At the Clarendon Press. 1891.)

IN this stout and comely volume Mr. Furneaux has carried the successful labour of years to a conclusion. An introduction of 149 close-packed pages is followed by 550 pages of text, notes, appendices, and indices. It is a book which has a right to respectful consideration from several points of view; but it is its historical aspect only that concerns this Review, and that aspect has by no means been neglected. In fact, it is the combination of the historian's interests with those of the scholar, pure and simple, which constitutes the special value of the edition, and in which, as editor of Tacitus, Mr. Furneaux has no rival except Nipperdey.

The introduction consists of the following chapters. (1) The text of these books, and the second Medicean manuscript; (2) summary of the principal events between the end of the sixth and beginning of the eleventh book; (3) the view given by Tacitus of the character and government of Gaius, Claudius, and Nero; (4) the Roman relations with Parthia and Armenia from the time of Augustus to the death of Nero; and (5) the conquest of Britain under Claudius and Nero. The three appendices are devoted to (1) the fragments of the actual speech of Claudius, and their relation to the version given by Tacitus; (2) the Neronian persecution of the Christians; and (3) summary of the principal events between the end of Book XVI and the death of Nero. In other words nearly 180 pages of an edition of Tacitus are devoted to historical essays. One is very glad to have the essays, which, in the absence of any up-to-date history of the early Empire in the English language, give the English reader who has no German what he cannot get elsewhere. It must be admitted that the book is thereby exposed to the soft impeachment of the *Revue Critique* (*à propos* of quite a different English book) the other day: *L'introduction et le commentaire sont à l'anglaise, c'est-à-dire fort prolixes.* However, good work is good wherever found, and while the gap exists to which we have referred, Mr. Furneaux's historical essays (in this and the preceding volume) make the nearest approach that can be named to filling it. On Claudius, Lachmann (not Ziegler) has been largely used; on Nero, Schiller; on Parthia and Armenia, Egli's very interesting topographical essay; on the Neronian persecution, C. Franklin Arnold. These and other modern investigations have been thoroughly assimilated and submitted to a sober and powerful judgment. The essay on Parthia and Armenia, with its leanings towards a policy of masterly inactivity as on the whole the best for Rome, and that on the conquest of Britain (quite the best brief survey of the subject), are particularly interesting and useful. The commentary is full of history, and the references to the 'Corpus' as well as to Mommsen and Marquardt are numerous, though perhaps they might with advantage be even more so.

It is necessary to submit Mr. Furneaux's pages to a very microscopical examination in order to find grounds of criticism, and in submitting the following points I do so with all the respect which must be felt by any reader who has tried to traverse the same ground, or part of it for himself. On p. 100 is it correct to say that 'the mere presence of

Augustus in Syria, unsupported, as far as we know, by any more than the ordinary military force of the province, sufficed to win without a blow all the demands which had been for so many years resisted, as well as the temporary withdrawal of all Parthian support from the vassal kingdoms; so as to enable Tiberius Nero to instal Tigranes in Armenia'? But Tiberius had an army with him. Suetonius (Tib. 9) expressly says so, and it could have been almost certainly inferred from the παρασκευῆς of Dio (liv. 9). On p. 133 a 'legate of Mauretania' under the early Empire is disconcerting. Mauretania was of course at first a procuratorial province. It should be a 'legate in Mauretania.' The man was there in special command in the year of annexation, not as an ordinary provincial governor. Mauretania is probably right, but as a matter of fact the inscription only gives part of an initial M and a final A. For the reference to the *Times* might it not be well to substitute Pallu de Lessert, 'Les Gouverneurs des Mauretanies,' p. 113? On p. 297 to the references for the 'Thraecio Bello' should perhaps be added *Ephemeris epigraphica*, ii. 259, note 2, and Domaszewski in *Rheinisches Museum*, xlvii. 211. On p. 265 a reference to Hirschfeld's essay on Tacitus's annalistic method (Hermes, xxv. 364) would probably have suggested to Mr. Furneaux an interesting note on the final words of chapter 40. On p. 355 the note on 'these provinces' (Galatia and Cappadocia) will hardly do. Cappadocia had only recently become a province, had no 'citizen population,' and, as almost townless and comparatively barbarous, cannot be regarded as a possible recruiting ground for the legions. The whole view taken of the recruiting system for the legions and auxiliaries has been rendered obsolete by Mommsen's recent *Hermes* articles. On the same page a reference to Domaszewski in *Rheinisches Museum*, xlvii. 216, note, would show the special bearing and importance of the 'cum equitibus.' The Galatian 'auxilia' here referred to come up again on p. 480. Perhaps they might have been discussed more fully. So far as inscriptions go, Galatia seems to have supplied recruits to the legions only, not to the auxilia (Mommsen in *Hermes*, xv. 51). It is possible, however, that some of the inexplicably numerous 'alae Phrygum' may really have been Galatian. On p. 411 there was surely room for an important note on the 'dilectum militarem.' The passage is the *locus classicus* for the recruiting being the business of the proconsul in a senatorial province. Marquardt, ii. 458, note 5, and Mommsen in *Hermes*, xix. 56, note, both refer to it. For the Acilius Strabo on the same page reference might perhaps have been made to Brambach, 663, and *Westdeutsche Zeitschrift*, xi. 282. As a rule Mr. Furneaux is very careful to give all that can be gleaned from other sources as to Tacitus's minor personages, and is certainly right in so doing. Finally there is a doubtful or more than doubtful phrase on p. 580,—'such standing "quaestiones de Christianis,"'—which has already been called in question by Mr. Ramsay ('The Church in the Roman Empire,' 216, note 3). That a critic should be reduced to such microscopic points for something 'critical' to say, shows the exceptional vigilance and soundness of Mr. Furneaux's work. No reader can use it without profit or read it through without hearty admiration.

WILLIAM T. ARNOLD.

The Old English Manor. By CHARLES MCLEAN ANDREWS. Johns Hopkins University Studies, Extra Volume XII. (Baltimore: Johns Hopkins Press. 1892.)

THE general reader may well wonder at the exuberant growth of literature on the subject of the manor. Books, reviews, magazine articles, follow each other in rapid succession, and still the subject does not seem likely to be soon exhausted. Even the special student may be pardoned if he sometimes feels bewildered by the discordant variety and polemical confidence of opinions and arguments produced in the course of the debate. A little reflection will teach, however, that we must endure a protracted cross-examination of witnesses and experts. And among these latter Mr. Andrews will be certainly entitled to an attentive hearing. He has taken great pains to collect and sift his material, and has written with a marked intention to be impartial and avoid extravagance. His book throws new light on many special points, and is distinguished by sound common sense, as a whole. There are, undoubtedly, peculiar dangers to be avoided by such searching after a *via media*. Vice may be considered as the exaggeration of virtue, error as the exaggeration of truth, and still it would be hardly advisable to seek virtue by toning vice down to a milder form, or to seek truth by averaging opposite errors. The constant wish to avoid other people's fallacies is, after all, only a form of dependence on other people's opinions, and, curiously enough, it generally results in some eclectic compromise. I do not wish to imply that Mr. Andrews has fallen a prey to this spirit of wavering, but his readers may sometimes wish him to be more stout-hearted in the formation and exposition of his ideas. Many a good point in his work would have gained by more energetic and consequent analysis; on many occasions his painstaking attention to divergent views and the wish to touch on all possible adjuncts of the matter, lead to a certain looseness in arrangement and argument. Nevertheless—I may say once more—Mr. Andrews has produced a book at once sound, instructive, and characteristic of the present state of the question.

The work begins with an introduction which gives the main drift of the author's argument. An historical sketch contrasts the ways of thinking of two generations of scholars—the liberal conception of original freedom and self-government culminating in a village community of freemen, and the reaction of an age of political disappointment and exact inquiry with its theory of an aristocratic organisation of society.[1] Both views seem onesided to our author. Maurer constructed his free village community by the help of a method which cannot be approved; he has forced into the earlier period the village association of the eleventh and twelfth centuries. And even quite apart from the deficiency of his argu-

[1] It was evidently the wish of our author to give a very short sketch of the development of schools, but his brevity sometimes seems like misrepresentation. I mean especially the way in which the Romantic and the Liberal Schools are thrown together. The minor writers went hopelessly astray on the subject of old Teutonic freedom, the perfectibility of democracy, the liberal ideas of the age as the panacea for all that was politically and socially wrong. Little wonder is it that the work of the master writers, Eichhorn, Zeuss, Grimm, and Leo, was also influenced in no small measure by these same ideas (2, 3). Eichhorn would probably have been surprised to find himself set down as a believer in the perfectibility of democracy or the panacea of liberal ideas.

ment, the central idea of the ancient village as a voluntary association of free men is artificial and incredible in itself. On the other hand, taking Seebohm as the most striking exponent of the manorial view, we cannot help noticing that his method also fails through carrying back into pre-feudal times the fabric of the feudal manor. Nor have his contentions as to a strong romanisation in Germany and England, and as to the servile character of early Teutonic society, proved successful. On the contrary, it may be safely maintained that the manor has grown—it did not spring ready-made from the ashes of Roman civilisation. And so we are driven to discover a theory which will take in whatever is convincing in the opposite doctrines, without committing ourselves to their fallacies. A convenient starting-point may be found in a comparative study of the tribal system. Taking the tribe as the gradual ramification of the family, we necessarily come to a stage in its history when it settles on the soil and, in consequence of the settlement, assumes the shape of a territorial community. Such a tribal village consists of free people, and the servile elements that may be found mixed up in it do not alter its constitution in the main. But at the same time it contains a germ of personal power in the chieftain. One need not look to conquest or usurpation to account for the gradual rise of the manorial lord. The patriarchal structure of society does already recognise a kind of lordship in the sway of its patriarch or chief; military organisation goes far to enhance the strength of this element in a period of constant strife. Lastly, the facilities for the chieftain to accumulate capital and to gather around him slave-workmen and dependents operate in the same direction.

According to such a view of development we get to a theory which may be represented by a modification of the old Mark theory. 'It is for this triple purpose; to do away with the purely artificial origin of the manorial group; to avoid the condition of absolute equality, followed by usurpation and aggression; and to account for the free element which formed the larger part of the Saxon people, that we have attempted to draw a sort of brief in defence of the composite group, which we believe formed one of the starting points for the later manorial growth' (58).

Such are the main ideas conveyed in Mr. Andrews's introduction. He does not see the necessity of opposing the tribal to the village community he thinks that the history of the manor begins inside the community, and consists in the gradual modification of tribal chieftainship. I am quite inclined to side with our author in his attempts to lessen the chasm between conflicting theories, and to lay stress on the idea of development. I am only afraid that, in his eagerness to simplify the conditions of the problem, Mr. Andrews is not sufficiently aware of the many difficulties and side-issues connected with it. I may be allowed to notice two points of capital importance.

Any theory attempting to trace a direct course from the tribe to the manor must face the difficulty arising from the differences of development that we see on the Celtic and the German sides of history, if I may be permitted to use the expression. The Celtic process is especially instructive, in so much as it shows the possibility of a development from the ancient tribe to a clan which is neither a free village community nor a manor. In other words, the free status of the tribesmen did not issue in

the growth of a self-governing community on a territorial basis, nor did the pre-eminence of the chieftain imply the growth of a manorial power. In the case of the Celts, all the complications arising from agricultural settlement, social inequality, military organisation, accumulation of capital, had to conform somehow with the central idea of the kindred; whereas with the Teutons the bonds of territorial association and territorial subjection became prominent and drove back older notions and institutions. What little is said by Mr. Andrews on this important subject seems insufficient to do it justice. A comparative study of the various forms assumed by clan and village communities among the Aryan nations still remains one of the most difficult and capital tasks of philosophical history.

Even within the narrower range of Germanic and English development distinctions and principles ought to be more sharply defined. It is a common failing of purely historical investigation, that it tends to minimise the difference between conflicting ideas and institutions by laying stress on connecting links. In the celebrated controversy between Waitz and Roth on the subject of Frankish feudalism, the main stricture of the lawyer on the historian's work was occasioned by this methodological consideration. I need not concern myself with the opposite warning which may be administered to lawyers, because in Mr. Andrews's case criticism has to enter a protest not against hard and fast divisions, but against a tendency to slur over fundamental diversities. The free village community did most likely spring from the tribal, and its partisans—Kemble for instance—have emphatically made the admission. But is it possible to pass on from the tribal system to the manorial without setting up a distinct transitional form which is distinguished from the tribe by its territorial basis, from the manor by the freedom of its members, from both by the extent of its self-government? *Hic jacet lepus.* The theory of the composite group hardly realises the importance of this question. Mr. Andrews thinks that the Mark theory starts with the assumption of an artificial and voluntary association of freemen. Such an assumption would be preposterous indeed, and I do not believe that it has ever been made. The German scholars who lay stress on the *quoscumque vicinos habeas* of Chilperic's edict have never for a moment doubted that the *vicini* in question originally filled the place of kinsfolk. But at the same time, if the village people came to be called *vicini*, it meant that the tie of blood between them was considered as less distinctive than the tie of territorial association. This is not the occasion to go deeper into the question, and it is not my purpose to maintain in a review the truth of any particular system. But I submit that Mr. Andrews's doctrine as to the composite group has not grappled with some of the difficulties of the case.

The author may say that his introduction gives only a bird's-eye view of the problem and does not profess to discuss it at any length. I should like to meet him halfway in this contention. It is not in a spirit of hostile criticism that my suggestions are made: on the contrary, the attempt to trace a continuous development from the tribe to the manor cannot fail to excite sympathy. But it is just when a general survey of the ground is made, that it is convenient to judge of the relative importance of its main features. Mr. Andrews's introduction is, for all its short-

ness, the argumentative and theoretical part of his book, and this must be my excuse for having treated it at some length.

On the other hand, I must beg leave to say only very few words on the substantive chapters devoted to Saxon law and husbandry. They afford a most instructive commentary on the chief points of social history during the Saxon period. The *Rectitudines* and the *Gerefa*, the wording of the laws and the provisions of the charters, are discussed with full knowledge and considerable ingenuity. Many of Mr. Andrews's solutions will be endorsed by competent scholars. Some may be disputed; but the best way to do them justice is to notice and discuss them in the course of detailed inquiry on these topics. It would be tiresome and perhaps useless to touch on them in a general review of the book. But I should not like to take leave of Mr. Andrews's work without saying again that these chapters on the lands of the manor, the lord and the tenantry, the landless, the special workers, the yearly routine of work, the farm and house utensils, the recreations of the villagers, are to be warmly recommended to every student of English rural antiquities. Chapters III, IV, and V seem to be especially worthy of attention. PAUL VINOGRADOFF.

Hebräische Berichte über die Judenverfolgungen während der Kreuzzüge. Im Auftrage der historischen Commission für Geschichte der Juden in Deutschland herausgegeben von A. NEUBAUER und M. STERN, ins Deutsche übersetzt von S. BAER. Berlin: Leonhard Simion. 1892.

THIS work contains the original Hebrew and German translation of five Jewish chronicles. Of these five the first was written by Salamo bar Simeon, and is edited from a manuscript in the Jews' College in London; the second by Elieser bar Nathan; the third by an anonymous writer; the fourth by Ephraim bar Jacob (found with the second in a manuscript in the Bodleian); the fifth by Elaser bar Juda (from a manuscript in St. Petersburg). Dr. Neubauer is responsible for the editing of the English and Russian manuscripts; Dr. Stern for the German, and generally for the edition; while Dr. Bresslau has written the interesting historical introduction, and Dr. Baer has made the translation which we do not pretend to criticise or meddle with. The first three chronicles stand together, especially for their very interesting account of the persecutions in Mainz, Speier, Worms, and on the Lower Rhine. It may be concluded the compilers had access to common sources; especially to one written at Mainz and contemporary, while other sources oral and written were also used. The fourth chronicle relates to the second crusade and also to outbursts of persecution in Blois (1171), on the Rhine (1179), and England (1189). The fifth relates to persecutions at Mainz and Worms (1187–96), and gives some unique information. The fourth contains most material on England, in its account of Stephen's saving the Jews (1144), and of the persecution at London and York in 1189 and 1190. These chronicles (which are amply annotated, correcting errors found in smaller books and also in works like Graetz's history) may be studied either as throwing light from outside on the inner history of the middle ages, or as positive contributions to the interesting and important history of the Jews and their communities. Under the first head we may notice the interesting account of the attitude of the prince bishops to the Jews in their troubles

(especially those of Trier and Mainz, see pp. 92 ff. and 131, correcting the accounts given in Milman, and Giesebrecht, 'Deutsche Kaiserzeit,' iii. 678), an attitude which seems to have been changed in the later troubles; the less systematic and more occasional nature of the later outbreaks against the Jews; and the interesting accounts of great men such as Bernard of Clairvaux (what is the meaning of the curious title 'Haber' given him, and noticed in note 14 page 188?). Under the second head we may point to the striking evidence, both internal and express, as to the connexion and intercourse between the scattered Jewish communities, which goes far to explain their business success and their real power. Still more interesting is the vivid picture of their intense national feeling, more intense than most other feelings of medieval times, and developed by adverse circumstances. But most striking of all is the influence of their scriptures and their former history, early and also Maccabean, traces and references to which are frequent on every page. This is, perhaps, the explanation of the peculiar charm and vividness of these chronicles, rising (we speak, be it understood, only of the translation) to a literary power not common among medieval writers. It is the genius of the people speaking—a genius formed by its religious belief and its past history, fostered by exile and persecution, a spirit of majesty, yet of bitterness and sorrow reminding us of the psalms of exile.

J. P. WHITNEY.

Geoffrey de Mandeville: a Study of the Anarchy. By J. H. ROUND. (London: Longmans, Green, & Co. 1892.)

A BARON who presents the characteristic type of feudalism, the leading power during King Stephen's reign, may justly give his name to a book which in fact contains not so much a biography—300 pages of its 470 do not concern Geoffrey—as disquisitions on English history, chiefly constitutional, in the twelfth century. Geoffrey I, from Mandeville near Trevières, had been sheriff of Essex, Herts, and London, with Middlesex, and was possibly identical with the London portreeve Gosfregs [?] His heir William was constable of the Tower in 1101. Geoffrey II, the hero of this book, succeeded shortly before 1130. He was created earl of Essex in 1140, and then began to put his important services up to auction to the rival pretenders. After his first treason the Empress Maud made him, at Midsummer 1141, hereditary justice (of crown-pleas) and sheriff of Essex, and constable of the Tower. When he deserted her, he obtained from the king in the following Christmas the shrievalty and justiciarship for Herts and Middlesex, with London too. Encouraged to make a new plot, which our author has been the first to point out, by Stephen's illness in the spring of 1142, he intended to join his Essex and London resources with the magnates of Gloucester and East Anglia in the Norman-Angevin cause. A second charter from the empress rewarded this third betrayal. The 'king-maker,' now at the height of his short career, played no longer the rôle of a favourite grantee; he rather acted like a party in a contract between sovereign powers. Every new charter enhanced not only *his* wealth and his baronial lordship over knights' fees and fortresses, but promoted his family interests as well. From the end of this same year he sided again, at least outwardly, with the royal court.

At last, in September 1143, he was seized by Stephen and deprived of his castles. His rebellion broke out prematurely; 'Anglia nunc humilis'[1] saw at least in her eastern parts atrocities which are not exaggerated in the well-known lines of the wailing chroniclers. After having degraded sacred Ramsey to be his fortress, Geoffrey was fatally wounded in 1144. His elder son, probably on account of his share in this outrage to the church, remained disinherited in favour of the younger Geoffrey, who by a new grant became earl of Essex in 1156. This bare outline of our author's main story would require to be supplemented by some of the many discoveries he has found by the way (for instance, by the treaty of security and mutual assistance between the earls of Gloucester and Hereford), if it were at all possible in a short review adequately to estimate the far-reaching importance of Mr. Round's results. He distinctly brings home to us how English nobles, like their German peers, were paving the way for the foundation of independent principalities, by the exemption of their baronies from public supervision, by the hereditary administration of office, by private warfare, mutual guarantee of status, and bargaining for enlarged privileges with rival pretenders, eager for election-votes or military help.

It is chiefly by the keen analysis and the ingenious combination of charters, ranging from Colchester to Durham, all through the twelfth century, and discovered or first commented on by himself, that Mr. Round succeeds in disentangling many antiquarian puzzles, especially the chronology of the few years with which he is primarily occupied. This preference of positive documents, difficult to understand, but free from prejudice, to chronicles, easy to translate, but sometimes untrustworthy, deserves careful attention from English students, not only of Stephen's reign. Fresh life from dry records is what Mr. Round aims at; and if his narrative is less romantic, it has a more truly human interest than that of the story-teller of former days. Mr. Round is sure to gain the ear of future scholars and will, we trust, encourage some one to undertake the self-denying labour of preparing Anglo-Norman *regesta* after Ficker's model. Mr. Round never gives way to the temptation of hiding the gaps of historical knowledge by geographical description, idle speculation, or vain rhetoric. Able to write pleasantly, and never wanting in clearness, it is not his object to amuse schoolboys; nor indeed does he often reverse general views commonly received. He rather takes infinite care conscientiously to prove every single contention he makes. The numerous details he corrects or brings out for the first time serve in the main to fill with concrete life the abstract theories laid down by the master of our generation. He is no worshipper of authorities, and while he is justly proud to discern some points more distinctly than even Bishop Stubbs did, he never forgets on whose shoulders he is resting, and often expresses his gratitude in honourable terms. Mr. Round purposely excludes the foreign or ecclesiastical relations of the reign[2], so that we do not get a complete portrait of Stephen. But the impression is confirmed

[1] Hildebert. Cenomann. 1367.

[2] There are, however, weighty remarks on Maud's waiving the prerogative of episcopal election in presence of the monarch, and on the papal correspondence of Nigel of Ely, which I had already dated correctly in Jaffé, *Reg. Pont.* ed. 2, 8025 *sqq.*

that his failure was due not so much to want of personal ability as to the way in which he gained the throne. Though his perjury might seem wiped out by ecclesiastical confirmation, he had still to conquer an heir as powerful and more legitimate than himself, and to depend on the good will of church and feudality, ready to turn to his rival as soon as his fortune wavered or he refused their disloyal demands. While former historians exaggerated the anarchy, Mr. Round proves that the exchequer continued to work. The Empress Maud on the other hand is, I think, underrated. The Germans and her great son seem to have esteemed her political insight. Her disaster is indeed ascribed by chroniclers to personal overbearing; but these divines are frequently disposed to explain misfortune by faults of character, and hardly understand the political necessity of keeping a rival pretender captive, of taxing a rich city, and of denying it dangerous liberties. Besides, Malmesbury wants to clear his patron Gloucester from responsibility. Why London, so highly privileged by Henry I, opposed his heir, remains an enigma. Mr. Round shows that Maud lost no time in appealing to Rome, and I find her spokesman, Ulger of Angers, there in January 1136.[3] But the author trusts the 'Historia Pontificalis,' *i.e.* John of Salisbury, too far. Maud remained, even after her husband's imperial coronation, officially *regina Romanorum*.[4] As her usual style *imperatrix* was therefore incorrect, I should not argue much from her seal-inscription *regina Anglorum*. Nor can her intention to be crowned be proved by a chronicler's phrase *inthronizare*, which is not quite identical with crowning, or by *totius regni fastigium*, which may be used in contradistinction to her partial sovereignty over western England. If the legate had gone so far against the papal will as to promise her the *crown*, we should hear stronger language against him; while for the removal of a captive prince from *government*, the prelates might invoke the example of Duke Robert. Mr. Round's study of the significance of royal styles is otherwise admirable. *Dominus* meant the king elect, not yet crowned—thus John was *dominus Hiberniae* from 1177 to 1187;—while *dominus et rex* marked the feudal lordship over vassals, besides the national kingship.

In order to find parallels to Stephen's history the author points to Harold's election of 1066, which, by the way, was by no means universal, and to Richard I's second coronation in 1194 after his captivity. His illustrations of Henry II's youth are still more valuable. The boy visited England when nine and a half years old, in 1142, and then again in April 1149. He was educated at Bristol 1148–6. From the first, England was claimed for him, not for his mother. His earliest confirmation of his mother's grant dates from 1142; but just as he often ignored Stephen's acts, so he did not recognise his mother's lavish charters when he ascended the throne.

Further interesting details we learn from Mr. Round's notes concern the biography or the family of Gervase of Cornhill, Osbert Huitdeniers (another city patrician related to Thomas Becket), Roger of Fécamp,[5] Bishop Robert of London, and Aubrey de Vere. He corrects the

[3] Jaffé, 7755.

[4] Waitz, *Verfassungsgesch.* vi. 202; *Deutsche Zeitschr. f. Geschichtswiss.*, i. 463.

[5] Roger signs Stephen's second charter in Hearne's text; Will. Neuburg. 711.

date of the bishop's captivity and Aubrey's death in 1141.[6] Other remarks illustrate the local history of Guines, Arques, Arundel, Rochester, Essex, and Newcastle. Cambridgeshire and Hunts formed one earldom, as they formed one archdeaconry.[7] The important paper on the earldom of Gloucester is reprinted in an excursus. I can here merely hint at the author's contributions to diplomatic and sphragistic knowledge, to genealogy, and to heraldry, which was then assuming a definite form. He elucidates the history of military architecture by the explanation of *castel* (which word Freeman was quite right to call not English) as a fortified enclosure, *turris* as a rectangular keep of masonry, and *mota* as a mound crowned by a stronghold. I must also pass over many other antiquarian discussions of fiscal and legal technicalities contained in the twenty-seven appendices bristling with learning. One of them is entitled *Tenserie*,[8] another *Affidatio in manu*.[9] A third appendix, *Roger de Ramis*, continues the fruitful investigation into knights' fees which it would be presumptuous to praise to the readers of this Review.

From Mr. Round's abundant mine of constitutional research I can but pick out a few specimens. The earl's third penny did not necessarily appertain to the earl's dignity (though, I should say, as a rule it did, at least in the preceding reigns;[10] nor was this limited to the Danish district).[11] The earl deducted this third part not from all the crown revenues of his county, but only from the emoluments of jurisdiction. Accordingly the third penny of the *county* is to be distinguished from the third part of the whole *town*-rent. This difference is confirmed in the laws cited. Every royal manor paid the sheriff a fixed rent; for the sum of these rents, called *firma comitatus*, he answered to the crown. (The same system as prevailing in some manors is noted by Thorold Rogers, 'Six Centuries,' 44: 'Rents were farmed out for a lump sum to any cultivator who hired the lord's demesne.') The *custos* on the other hand was simply cashier of the revenues without risk to himself. There was not yet an earl without a county; but many earls bore various surnames. The official surname generally came from the shire where the chief seat of their barony was situated, or (if there was already an earl, even though created by the rival pretender) from the nearest available one. The earldom of Sussex did not depend on the possession of Arundel Castle. Montgomery seems to have enjoyed palatine rights also in Sussex and Shropshire. William of Ypres was in charge of, but not earl of, Kent. The theory of fiscal earls of Stephen's creation must be abandoned. He neither took his earls from a class of new men nor did he endow them with pensions from the exchequer; they belonged rather to powerful houses and received grants of estates just as their peers before and after; nor were

[6] Matthew Paris followed in 1140 the Southwark annals. The *Flores Histor.* ed. Luard, ii. 62, mention that capture under a later year than Trivet. The surname *aper*, translating old French *vers*, needs no explanation from heraldry. Aubrey's wife was dead in 1141, according to Heller, *Mon. Germ.* xxiv. 592.

[7] Henr. Hunt. p. 302. [8] Cp. *Deutsche Zeitschr.* VII E 40; 32.

[9] This Anglo-Saxon and Anglo-Norman form of promise, little inferior to an oath, i Pan-Teutonic (Amira in Paul's *Grundriss*, ii. 2, 168) and perhaps Aryan; cf. Pollock, *Harvard Law Rev.* March 1893, p. 395.

[10] Schmid, *Gesetze der Angels.* pp. 430, 506.

[11] See Birch, *Domesday*, p. 295.

they deposed by Henry II. The hereditary constableship depended on the honour of Haughley.

Mr. Round increases also our knowledge of the early constitution of London. Henry I's charter, which is certainly later than 1101, he dates at 1130–3. Where Henry granted to the citizens *wardemota* (perhaps petty police-courts over private districts within the city, conducted by their owners, the later aldermen), the author emends *vadimonia*, supported by a later text and by the formula[12] used in all the succeeding London charters. This ingenious proposal seems tempting indeed. Unluckily, however, that text is distinctly corrupt in at least two other places, viz. in *Alb'spina* instead of *Albini* and in the words *et lot* (after *scot*) interpolated from the jingle *scot and lot*, which signifies *municipal* obligations, while *scot* in this charter means a *royal* tax remitted by the king. I therefore still cling to the older text of a London law-book compiled under John not under Edward I, as I formerly thought ['Quadripartitus' p. 58, ann. 12], misled by the paramount authority). The manuscript Claudius D.II, quoted by Mr. Round for Stephen's coronation-charter, is only one among five codices of this law-book; see Hardy, 'Descr. Catal.,' ii. 197, and 'Liber Custum.' f. 16. The shrievalty of London comprised Middlesex. It continued according to our author the office of the portgerefa, while the justiciar of London was a transitional officer, derived from Henry's central administration but localised in competence. Such a justiciar existed under Stephen also for Essex and Herts.[13] The Londoners did not long enjoy those liberties of electing the sheriff and justiciar. They tried indeed a separate negotiation with their future lord in 1135; for no more will our author see behind the 'election of the king' of which the 'Gesta' speak. But their liberty was crushed when Stephen in December 1141 set Mandeville, the constable of the Tower, over them. Still they went on, as Mr. Round shows, aspiring to a commune, and they admitted even barons as citizens. (*Gialla* for guildhall presents no difficulty; see *gyaule*.[14] Bishops and reeves belonged to London already under Æthelstan. The contemporary commune of Rouen might have been compared.) The city once more reached the height of liberty granted by Henry I, but not before 1199.

Mr. Round will, I trust, recast his deep researches into a more coherent form.[15] If a wish may be permitted, where rather cordial gratitude alone ought to be expressed, I should entreat him to omit a number of polemical paragraphs. It is sufficient that he has permanently associated his name with the scientific study of Anglo-Norman history.

F. Liebermann.

Chartes des Libertés anglaises, 1100–1305. Publiées, avec une Introduction et des Notes, par Charles Bémont. (Paris: Picard. 1892.)

M. Bémont has done a service not only to French but to English students by the publication of this volume, which forms one of the series of select chronicles and collections of documents edited under the auspices of

[12] The same words occur also in the earliest Rouen charter.

[13] See above. Medieval blunders about the portreeve are, to say the least, curious; see *Liber Albus*, i. 14.

[14] *Mun. Gildh.* i. 404.

[15] For the purpose of this second edition I note the following trifles: p. 52, l. 4, read *Wirec[estre]*; p. 331, l. 6, *Maurice*; p. 3, l. 2, *districto* means 'severe.'

the Société Historique. The editor, whose 'Life of Simon de Montfort' and other works have already proved his intimate acquaintance with medieval English history, has confined his present task within clear limits. He has not attempted a collection of documents on the scale of Bishop Stubbs's well-known work, but has restricted himself to the charters of liberties issued by the kings of the twelfth and thirteenth centuries, and the documents (baronial demands, royal proclamations, and the like) with which the charters are immediately connected. Seventeen documents in all are contained in the volume. Some ten of these, and the most important of them, are published in Bishop Stubbs's 'Select Charters;' the rest are all to be found in print elsewhere, but in more or less inaccessible places. It was not, of course, to be expected that a collection of this sort would include documents hitherto unpublished, for the work is primarily an educational one and is not intended for very advanced students. To those who are commencing the serious study of our constitutional history during the twelfth and thirteenth centuries it may be cordially recommended. It is, perhaps, not quite obvious why the bulls of Innocent III and Clement V, interesting as they are in themselves, are included among the charters of liberties which they annulled; on the other hand some of the documents printed by M. Bémont, notably the parliamentary grievances of 1297 and the royal proclamation of the same year, are welcome additions to Dr. Stubbs's book. It is also an advantage to have the Great Charter of 1225 printed in full.

M. Bémont has printed his documents in most cases direct from the originals, and we may probably rely on the accuracy of his text. He has prefixed to each a careful and interesting bibliographical account, mentioning the originals, where such exist, or the earliest copies, and discussing their history and value. Various readings are given at the foot of the page. Those documents in which the names of witnesses or other persons occur are followed by a series of useful biographical notes. In the lists of names one or two misprints occur; *e.g.* Robert de Vere (p. 11) and Hugh de Vere (pp. 74, 94) have lost their final *e*, and Peter of Aigueblanche becomes Peter of Aigleblanche (p. 75); but these are unimportant. M. Bémont has prefixed to his collection an admirable introduction, in which he traces the history of the several charters and other documents, the circumstances in which they were issued, their connexion and mutual relations. The notes to this introduction contain an enumeration and brief description of the chief historical sources or collections of documents bearing on the epoch. Incidentally M. Bémont discusses other questions germane to the subject, *e.g.* the so-called laws of Edward the Confessor. He appears to have no doubt that the so-called statute *De Tallagio non concedendo* (1297) is really the document containing the baronial demands drawn up in a form ready to receive the king's assent—in fact, like a bill of later days. 'It should be observed,' says M. Bémont, 'that the articles of this pretended statute, approved, as Cotton tells us, by Prince Edward and the royal council, were embodied for the most part in the *Confirmatio Cartarum* granted by the prince on October 10 and approved by the king on November 5. Therefore, even while denying all authenticity, *i.e.* as a statute, to the *Statutum de Tallagio non concedendo*, it must be admitted that its provisions deserve a place among the constitutional

laws of the realm' (p. 88). Dr. Stubbs ('Select Charters,' p. 497) considers the document in question to be 'an abstract, imperfect and unauthoritative, of the regent's act of confirmation and of the pardon of the two earls.' The two views are not seriously opposed or necessarily incompatible, but, though we may be pretty sure that the lawyers of the seventeenth century were wrong in thinking it an act of parliament, its exact nature will probably remain problematical. A couple of appendices and a good index of persons, places, and things complete this careful and scholarly addition to the literature of our constitutional history. G. W. Prothero.

Der Ursprung der deutschen Stadtverfassung. Von Dr. Georg von Below. (Düsseldorf: Voss. 1892.)

During the last few years a considerable stir has been kept up among those interested in German medieval history, by the theory which would find the origin of the constitution of German towns in the main in the market with its *Marktrecht* and the peculiar privileges enjoyed by merchants. The present pamphlet proposes to show the fallacy of this doctrine, and upholds against it the author's own theory, a modification of G. L. von Maurer's, which connects the town community and its constitution with the village community. Professor von Below shows that the privileges supposed to have belonged to the merchants as a class must be greatly reduced; further, that no such thing as a *Marktgemeinde* has existed, nor a *Marktgericht*. He admits that the market was an essential feature of the medieval town in a very different way from what it is now, but, then, so was the fortification. If the charters use the terms *ius fori*, *ius forense*, for *ius civitatis*, *ius civile*, that must be understood in the same way as when they use the term *Burgrecht* for the same thing. The town community was never a community of merchants as such, but one of householders, the same as the village community, with only this difference, that in the village the holding of a certain sufficient measure of land for agriculture besides the house was required for full membership. The administrative and juridical powers of the town community were also essentially the same as those of the village community. They concern the common lands, public buildings, &c., and the regulation of weights and measures. The power of regulating trade may be referred to the same source. As the assembly of the community and the few officers needed in the village could not deal with the complicated business of the town, a new organ was created, the *Rath*.

The chief peculiarity of the town, however, is that besides being, like the village, a local unit having certain autonomous powers, it forms a public juridical district, which the village does not. This double character of the town is neglected by the *Marktrecht*-theory. The public court in the town, or *Stadtgericht* proper, is moreover not a *Marktgericht*, but simply a regular public court or *Landgericht*, with its jurisdiction confined to the compass of a single local community. The organisation of the public town-court and the public country-court was identical. The law within the town came to differ on some points, but it was essentially public law, and in kind the same as that which prevailed in the public courts at large. Side by side with the public court, private courts,

Hofgerichte, continued to exist in the town just as in the country. But those subject to them, chiefly the villeins of the lord of the town, formed only a very small part of the population, which mainly consisted of immigrants who received and held land on terms not implying subjection to a private court. It is, however, a mistake to assume a special community of freemen, inasmuch as the whole of the inhabitants formed one community, and many of them continued subject to foreign lords, paying them certain dues. It is these that the famous charter of Henry V for Speier of 1111 abolishes. It should be noted that Professor von Below admits (p. 23 and note 1) having in his previous work not made his meaning clear on one important point. He wishes it to be understood that he nowise connects the town community with the *Markgenossenschaft*. We believe that he thereby removes the principal objection previously raised against his theory.

We cannot here enter into any discussion of details, but in the main we think that Dr. von Below has made good his case. One would however like to be informed which part of the town-constitution it is which he too considers as due to the *Marktrecht* (p. 15), and what according to him is the substance of this *Marktrecht*, which in the remainder of his pamphlet he seems to aim at wholly annihilating. It may also be objected that in his treatment of the question the great changes are not brought into prominence, nor their causes fully explained. But there can be no doubt that Professor von Below's remarkably searching disquisitions cast much light on the principles underlying the constitution of the towns of medieval Germany, and a thorough study of his book will be indispensable for any one who wishes to make himself really acquainted with the subject.

F. KEUTGEN.

Landboc sive Registrum Monasterii beatae Mariae Virginis et sancti Cénhelmi de Winchelcumba. Edente DAVID ROYCE, M.A., ex Aede Christi, Vicario de Netherswell. Vol. I.: A.D. 798–1332. (Exoniae: Typis Willelmi Pollard et Socii. 1892.)

THE register of the abbey of Winchcombe in Gloucestershire, though partially known from transcripts, has hitherto as a whole remained an unpublished manuscript in the collection of Lord Sherborne, and students owe a debt of gratitude to the public spirit of Mr. Royce, who has devoted long labour to the task of editing it, and has produced it in a handsome form and at a very low price. The mass of the book was written in the reign of Henry III, but there are later insertions. Its contents are for the most part of the normal pattern of monastic chartularies; grants and confirmations of grants of churches, tithes, lands, and 'pensions,' to the house, appropriations to its several officers, and the like. Such a series of documents is always of high value and interest, not merely to the local student, but also to all who wish to understand in detail the history of a great institution, its resources, methods of management, and daily life. Few even of the most formal documents but throw some light on matters lying beyond their immediate purpose. After a list of kings from Aethelwulf to Henry III (the last added in a more recent hand) and a number of documents inserted, chiefly relating to later times than the

date of the 'Landboc' proper, the work opens, as it should, with the commencement of the abbey in 798, and the foundation-charter of King Cénwulf, and exhibits a series of papal privileges, including the capital confirmation of Alexander III—a document well known from Dugdale and invaluable for its enumeration of the possessions of the abbey in 1175—down to Celestine III. The following sections of the register are arranged in an orderly fashion: they contain the title-deeds and other legal instruments relating principally to the lands, tithes, &c., appropriated to the abbat's table, the chantry, the sacristy, the altar of St. Mary, the refectory, the infirmary, and the almonry. Then with p. 242 we come to a series of documents of a miscellaneous character, among which the grants of corrodies are perhaps the most interesting. Many of them are insertions in a later hand than that of the greater part of the manuscript.

Among the few references to general English history we have a curious account of the foundation of the church at Hailes, afterwards the site of a famous Cistercian abbey: *Tempore regis Stephani, domino Simone presidente ecclesie Wigorniensis* [before 1150], *cum hostilitas vehementer ingrueret, quidam prepotens Radulfus de Wirecestre, cum totam fere occupaverat provinciam, in Hailes castrum firmavit et ecclesiam construxit.* The manor belonged parochially to the monks of Winchcombe, and they promptly resisted his invasion; but in time they were forced to yield, *maxime quia eorum cotidiana occupans victualia eos ad multa et arida compelleret ieiunia, et asperiora promitteret, nisi eius consentirent tirannidi*, and so perforce the church was dedicated and the right of sepulture permitted, the abbey only securing a yearly payment of 7*s.* to the sacristy (p. 65). About the same time,—again *cum hostilitas vehementer ingrueret*,—William de Solers, moved by the tearful complaint of his men of Postlip, not far from Winchcombe, built a chapel there as a retreat from evil-doers—*ut tam ipse quam homines sui, propter predonum incursiones et exquisitas malignantium machinationes, aliquid ibidem habere possent refugium*, and granted his tithes to the abbey to furnish a light, on the condition of its providing a chaplain (pp. 81–86). This chapel, we believe, has recently been restored to the purposes of Roman catholic service; but how the owner of the property obtained authority for this does not appear. Not long after the erection of Postlip chapel, in the same time of stress, the poor people of Winchcombe built their cottages up to the walls of the abbey church, and through their carelessness a fire broke out which consumed not only the church but all the buildings of the monastery (p. 87). From other notices we are able to see something of the process of reconstruction and the funds by which it was provided (*e.g.* pp. 68 f.). On pp. 108, 110 are documents dated from the removal of the interdict in 1214; and on p. 58 there is a mention of the invasion of Louis of France in 1216. Archbishop Stephen Langton distributed two marks in the Roman court for the obtaining of two bulls of confirmation of a pension of 20*s.* from the church of Bledington (p. 111). On pp. 254 f. the abbat and monks in 1301 solemnly pledge themselves in all their goods to obedience to the pope, *super excommunicacionis sentencia quam incurrimus pro eo quod dudum, contra constitucionis tenorem sanctissimi patris nostri, domini*

Bonifacii . . . , nunciis seu ministris domini regis Anglie subsidium de bonis nostris ecclesiasticis contribuimus, propter vim et metum amissionis bonorum nostrorum temporalium, que cadere poterat, inconstantes. In June 1307 Edward, prince of Wales, adopts the style of *comes Cestrie, de Puntif, et de Mustroil* (p. 296).

From the notices of customs we may quote: *Sciendum est etiam quod quicunque braciaverit in Colstret dabit theloneum; et si extra villam braciaverit duplicabit theloneum. Nullus dabit filiam suam sine licentia abbatis. Ad hanc autem consuetudinem omnes qui tenent de dominio abbatie faciendam obligantur, exceptis illis qui censum suum accreverunt* (p. 42). A man is acquitted of the duty of defending his lands, if need be, *per duellum* (p. 50); another holds *per servicium squierie* (p. 92). Among payments we remark a farthing to the king for *walgavel ad gulam Augusti* or Lammas day (p. 98), a farthing to the king for *longable* (elsewhere *de longabulo*, p. 166) *ad Hockedai* and at Martinmas, and to the hundred reeve 2*d*. *ad hevedwarde* (p. 145). A yearly pension from a church to the monastery is sometimes spoken of as a *canon* of 20*s*. or the like (pp. 109, 171, &c.). Customary payments of *housbote* and *heybote* are demanded by the rector of Hawling (p. 275); in another place, side by side with these, we meet with *huswerminge* (p. 81). On p. 291 certain lands granted are acquitted *de assisis, scutagiis, hydagiis, operationibus, auxiliis, murdris, danegeldis, geldis, schyris, hundredis, tepingis, wardepeni, hevedpeni, hornpeni, et de omnibus servitiis secularibus, sive regis, sive nostris, sive alienis.* On p. 351 we read of *schirreveselver*, apparently the *auxilium vicecomitis*. A man claims a piece of land in full county court by distaff-right, *iure coli* (p. 131, where the sense is obscured by a comma out of place). There are mentions, as usual, of enclosures; as of John de Sudeleye's license to his men at Cotes, bond and free, to enclose (*inhokare*) a field called 'Cotmoneshulle' (p. 256). In 1308, in more detail, the earl of Warwick permits the monks of Winchcombe *omnes terras suas vastatas et assartatas tempore regis Edwardi filii regis Henrici infra bundas foreste de Wichewode, manerio suo de Ennestana pertinentes, in culturam redigere, parvo fossato et bassa haya includere, et sic inclusas in defenso tenere* (p. 301; *cf.* pp. 321 f.). Among terms relating to land we note *bona* (explained as a 'balk,' p. 115), *unam acram et dimidiam et unum ferendel al Brehc* (explained as 'at the newly broken land,' p. 213), *unam acram que vocatur chep aker* (p. 251, where see note, and p. 308), *cheveseia* ('a head of ploughed land,' p. 185), *pythera* or *vitra* (pp. 248 f.), *seylio* (a measure of land, p. 327).

The grants of corrodies or stipulated allowances present many curious features. The livery is sometimes described as such as the monks *suis servientibus de mester annis singulis liberabunt* (p. 278). Sometimes its quality is specified; a hood *de bugeto* (p. 289), a vesture of cloth *cum duobus forulis de stradlyng* (p. 318), that is, of squirrels, or as it is elsewhere expressed *de scurellis* (p. 330). The allowance of food is usually described minutely, especially the beer and bread: thus *duas obbas* (which Mr. Royce translates indifferently by 'jacks' and 'noggins') *de servisia conventuali* (p. 124), or *dimidiam lagenam secunde cervisie de cellaria abbatis* (p. 343). The bread is usually a 'monk-loaf,' *panis monachalis*, but sometimes black bread (p. 123); sometimes various

kinds are mentioned, as *smalwhit* (pp. 263, 278). We also meet with *hyneloves* (pp. 322, 335). Corn is measured by *cronnocs* (p. 204), but more commonly by *summae* ('seams,' p. 180); a quarter of a quarter is a *windellum*, p. 224). On p. 304 we have four quarters *boni drogeti* ('dredge-corn'). There are allowances of fish, *de stocfish videlicet coursfish* (p. 264), of Paris candles (pp. 265, 334), and of sundry other things. In 1323 the convent grants an elaborate pension to Master William de Bosco, to be continued *eciam si in scolis steterit in studendo* (p. 347). Pensions granted at the king's request to his chaplains until they shall be provided with competent benefices occur from time to time on the occasion of an election to the abbacy (*e.g.* pp. 297, 359).

Among miscellaneous points we note the interesting lists of Winchcombe tradesmen who witness a deed on p. 164, and of virgaters paying churchscot on pp. 220–224, where some of the names are certainly miswritten, doubtless not through the editor's fault but that of his manuscript. Among unusual female names we observe Albretha (p. 202), Hodierna (p. 113), Juetta (p. 151), Liena (p. 157), and Orenga (p. 127). On p. 212 appears one Walter *proconsul* or *consularis* of Gloucester, whom Mr. Royce understands to be the constable. Mention is made of *nostre Bohalle subtus castellum et Gildhalle que est in Norhstret* (p. 232), and there are innumerable matters of interest for local topography to which we can here only call attention in general terms. The editor has prefixed an introduction of 122 pages in which he deals minutely with the history of the town of Winchcombe, reserving that of the monastery for his second volume. He has brought together a great amount of materials, and printed new evidence from records; but this part of his work, though it bears every mark of industry and care, and forms a valuable supplement to Mrs. Dent's 'Annals of Winchcombe and Sudeley,' is not quite satisfactorily arranged and stands in need of a table of contents. We take it for granted that the second volume will include a complete index. There seems a discrepancy between the statements concerning the Winchcombe fairs on pp. xiii and xl. In the text of the 'Landboc' we are not distinctly told whether the document on pp. 48 f. is inserted, without the authority of the manuscript, from a Sloane charter; and on p. 181 note 1 reference is made to a charter which we have been unable to discover. The marginal analysis is very full, indeed so full as to make the documents intelligible to those whose store of Latin is of the scantiest; and comparatively few matters of importance are omitted. The document printed on p. 199 is not 'a mandate of the pope' but the sentence of the abbat of Tewkesbury and the priors of Worcester and Llanthony acting in virtue of a mandate. 'Thomas de Fraxino' is calendared indifferently as 'Thomas of the Ash' (p. 87) and 'Thomas Nash' (p. 261). On p. 64 the 'chief of the hundred' should be 'reeve.' On p. 82 line 20 'Et' seems to have dropped out before 'Ego'; but this is very likely so in the manuscript. On pp. 143, 351 'foreign service' is liable to misunderstanding: the technical term 'forinsec' would have been better. It is a pity that the editor has not, wherever possible, given at least the approximate date of each document.

REGINALD L. POOLE.

Yorkshire Inquisitions of the Reigns of Henry III and Edward I. Vol. I. Edited by WILLIAM BROWN, B.A. (Yorkshire Archæological and Topographical Association. Record Series, Vol. XII.) Printed for the Society, 1892.

THIS book is an excellent specimen of the good work that can be done for English history by local antiquarian societies. That such societies are beginning to send labourers to the Record Office is a welcome sign of the times; but it must be added that their efforts are not always very well directed. In the first place they do not always choose the most valuable records. Too often they have pedigrees, and nothing but pedigrees, as their aim and object, and are satisfied when of some obscure gentleman they can conscientiously write 'ob. s. p.' Merely as a counsel of Mammon and for the extension of their list of subscribers we might hint to them that there are thousands of things that are as interesting as family trees, and that a local society, while achieving its primary purposes, whatever those purposes may be, can very easily and without any additional cost make its books indispensable necessaries to many who regard its county as but one of the shires of England. 'Inquisitiones post mortem,' for example, are far more interesting than 'feet of fines,' especially if, as is too often the case, all the legal pith of the fine is omitted as so much 'technical verbiage.' In the second place, there are many fashions good and bad of publishing records, or the substance of records. At the one extremity stands the repellent 'facsimile in record type,' at the other the brief English abstract. Now we can well understand a preference for English over Latin, and when it is remembered that for every technical Latin word found in our legal records there is in general one English equivalent, and one only,—that for example *dare* must be translated by *give* and not by *grant*, and *concedere* by *grant* and not by *give*;—there really is not much reason why even for rigorously scientific purposes a translated should not be as trustworthy as an untranslated document. But there must be translation, not abstraction. To render English for Latin word by word is no difficult task; to omit anything as 'formal' or 'immaterial' is to set oneself up as a judge of medieval law and medieval husbandry. And then, whenever there is any doubt whatever about the meaning of a Latin word, that word must be given in brackets. This is the prudent procedure, and it has its reward. If it be pursued the books will sell outside the county boundary, and the day may come when some other county will challenge the proud pre-eminence of Durham.

We have here the substance of about a hundred and fifty inquests, for the more part inquests 'post mortem,' from the years between 1240 and 1283. The original Latin of a few very important documents is given; for the rest, we have full and elaborate abstracts which are often translations. The work has been done by several different hands, the transcription by Mr. J. A. Vincent, the collation of proofs with the originals by Mr. Baildon, the translation and notes by Mr. William Brown, while the secretary of the society, Mr. Chadwick, supplies a glossary. Everywhere we can see signs of careful accuracy and of sound historical scholarship. The Latin words are often given in brackets. We begin to trust the editor when he writes 'and does foreign service (*et facit forinsecum*).' Our

confidence is not dispelled by 'who were somewhat drunk (*aliquantulum inebriati*),' and we see merit in 'every hog (*porco*),' for we cannot be too careful about the terms used in the description of live stock. On the whole, we doubt whether a better planned or a better executed piece of work has come from any antiquarian society these many years.

Of all classes of legal documents there is none better capable of serving the cause of economic history than that which consists of the post-mortem inquisitions. From no other source can we obtain so much knowledge about those manors which were in lay hands, and it is of great importance that such manors should not be neglected. About the manors belonging to the religious houses it is far easier to obtain information; copious 'extents' are preserved in the cartularies. There is, however, some reason for thinking that we should be rash were we to draw wide inferences from the estates of the abbeys. A religious corporation was the most provident and methodical of all landlords. It may, one hopes, have been a considerate and charitable, but still it was a punctual and conservative landlord. In particular, it could establish and maintain what is commonly regarded as the typical form of manorial husbandry, the cultivation of the demesne land by the works—the boon-works and week-works—of the villain tenants. It felt no temptation to take money instead of work, or, if this temptation was felt, it was felt as a temptation; the future welfare of the monastery was not to be bartered away for present cash. It remains to be seen whether we may not be mistaken in generalising from an immortal landlord who is conscious of his immortality, to the mere mortal man who knows that he will die, who likes an easy life, and feels no strong duty to his heir. These Yorkshire documents from the second half of the thirteenth century seem to show a prevalence of money rents, which to some of us will come as a surprise. 'Week-work' is not unknown (p. 244), but in general the Yorkshire *bondus* or *villanus* is giving far less in the way of work than he is giving in the way of money. Often but a fourth or fifth part of the whole return due from the tenement is rendered in work; the rest is rendered in money. The following entry seems a fair specimen. 'There are two bondmen who hold ten bovates of land (the bovate twelve acres), and yield yearly in money at the terms before named, 3*l.* 6*s.* 8*d.* They do works and customs worth by the year 8*s.* 4*d.*' (p. 43). Already in 1246 we read of villains who 'do no works' (p. 3). Such cases will show us how serious is the question whether we ought to regard that form of rural economy which it is the fashion to call manorial, the form in which the lord has a demesne which his villain tenants are bound to till, as having been universal. Is it not very possible that in some, perhaps many, cases, the system of cash payments has grown out of the ancient system of provender rents, and that, though boon-works have been common enough, week-work has never been done? Readers of Vinogradoff's book will find themselves asking this question as they look through these Yorkshire inquests.

We have many warnings that the historian of medieval rents, when he comes, will have an enormously difficult task before him. In Yorkshire they use perches of 17, 18, and 20 feet. The bovate contains 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, or even 24 acres. This may well seem to us

one of the many signs that the reckoning in bovates has its origin in some exceedingly ancient and long-forgotten facts. The disparity in the size of the bovates is not redressed by the varying value of the land. In one and the same inquest we have the following particulars (p. 222):—

							s.	d.
In Gilling a bovate of	16	acres by the perch of	20	feet	is	worth	20	0
„ Forsett	„	12	„	„	„	„	10	0
„ Moulton	„	18	„	„	„	„	12	0
„ Bowes	„	12	„	„	„	„	6	0
„ Aldbrough	„	8	„	(perch unspecified)		„	14	0
„ Catterick	„	10	„	„	„	„	13	4

Again, it is often difficult to define with any precision the method of valuation that is adopted. In some cases an acre of the land that is in villainage is deemed to be exactly equal in value to an acre that is in demesne. In other cases, however, a lower value is set on the acre in demesne than on the acre in villainage. This is a curious phenomenon, but we cannot accurately say what it means, for part of the value of the acre in villainage may consist in the fact that it (or rather its tenant) is bound to aid in the cultivation of the acre in demesne. The value of an arable acre in demesne varies very widely: it falls as low as 3*d.* and rises as high (p. 224) as 18*d.* An acre of meadow in demesne may be worth 5*s.* 2*d.* (p. 222); if worth no more than 8*d.* it is poor (*debilis*). Puzzles are many, but if only every county in England would follow Yorkshire's good example and find editors such as Mr. Chadwick, Mr. Brown, and Mr. Baildon, these puzzles would be solved and we should be within sight of a history of rents. Some prices are worthy of remark. An oak tree fetches 4*s.* or 5*s.* Mills of course are very valuable. The statement still lurking in legal text-books that in the middle ages 'there was little personal property' looks more than usually foolish when we read (p. 252) that Baldwin Wake had at his death on one of his manors, that of Cotingham, chattels to the value of 630*l.*

F. W. MAITLAND.

Lancaster and York. A Century of English History (1399–1485). By Sir JAMES H. RAMSAY. 2 vols. (Oxford: Clarendon Press. 1892.)

SIR JAMES RAMSAY'S 'Lancaster and York' has now been a year before the world, and it seems somewhat late to attempt a review of its merits. But no real estimate of a book of this sort can be attained until it has been tested by long and repeated use by workers over the same ground. During the past twelve months Sir James Ramsay's book has been constantly at my side; and the result of such examination as I have been able to give to it has considerably raised my opinion of the high qualities shown by the author as a clear, accurate, and sober collector of historical facts, whose able and laborious researches have given workers on fifteenth-century history a very well laid and solid foundation on which to build.

The impression obtained by a first perusal of 'Lancaster and York' was not very favourable. Each sentence is clear and definite enough; yet the dryness and inconsecutiveness of the style make it almost

impossible to read the book straight through, while the prosaic baldness of the narrative and the almost entire want of imagination shown by the writer make it even more difficult for the reader to retain any consecutive impression of the events described. Moreover Sir James, like some other modern historians, falls into the fatal fault of sticking so closely to the chronological order of events, that the reader finds it very hard work to piece together the scattered fragments bearing on a single aspect of the subject. And this task is rendered still more difficult by the extraordinary neglect shown in omitting to provide an index. It is true that the published two volumes are only a fragment of a great work, and the best explanation for the want of an index is that it is the proper course to index the book as a whole when all of it has been given to the world. But time is flying: no other volumes are even announced to appear; and a provisional index might well have been given, pending the completion of the publication of the book. Until this is done 'Lancaster and York' loses much of its value. Unable to find out readily what he is searching for, and able only with the utmost difficulty to work his way consecutively through the lifeless narrative, it is no wonder that the reader lays down Sir James Ramsay's book with almost a feeling of relief. Moreover he is often irritated by the author's mannerisms and tricks. The morbidly ingenious method of noting by the use of single and double inverted commas in quotations whether the *ipsissima verba* of another are given, or whether the words are 'translated, transliterated, or in any way modified,' is a constant stumbling-block of a minor sort. Any one using the book is pretty sure to know that "Richard nadgairs Roy" is more likely to be the *ipsissima verba* of a fifteenth-century scribe than 'Richard late king,' even without the subtlety of the double and single inverted commas, which we, following Sir James Ramsay's plan, for this occasion only, have employed to note the distinction. And the author's habit of working up into his narrative quite ordinary verbal statements of modern writers is another irritant to his readers. What is the use, for example, in giving an account of the murder of the duke of Burgundy, to tell us suddenly that one of the attendants of the duke 'vaulted over the barrier and escaped,' in words which we learn are the *ipsissima verba* of Dr. Lingard? Surely Sir James might have appropriated this not very novel phrase without much risk of being denounced as a plagiarist. In some parts of the book Sir James's whole narrative tends to become a patchwork of commonplace quotations from various modern writers. There is not the excuse for this that there always is for giving the words, translated or otherwise, of the original authorities. At other times a curious lapse into colloquialism or slang stands out strangely in the midst of the general baldness of the short, inconsecutive, jerky sentences.

These defects of style and arrangement largely biassed one's first judgment of Sir James's book, and from some points of view must continue to exert an unfavourable influence. Never was a book more likely to increase the prejudice which some light-minded men of letters say springs up in the mind of the average reader against historical research, when exemplified by the long, dull, and ill-written works of some modern historians.

I have put the case against Sir James as strongly as I can. 'Lancaster and York' can seldom be read from end to end even by professed historians. It is essentially and primarily a book of reference. It is the dry bones of history, neatly sorted and classified. It is the letter without the spirit, the body without the soul. But within this limited sphere its value is extremely great. It is an admirable and full compendium of the annals of England. It gives nearly all the important facts of the history, disentangled from the original sources, and carefully labelled, catalogued, and stowed away. The work, in short, will fulfil for the historical student the same sort of function which a laboratory handbook discharges for the worker in natural science. And the more often I have had occasion to refer to the book, the more fully have I become convinced that Sir James has discharged this task in a thoroughly useful and workmanlike manner. He has, as he tells us, 'no special theory or object' to serve, 'save that of bringing the reader as far as possible face to face with the facts.' He may have but little eye for general principle and the broad streams of historical tendency. He may be wanting in imagination and careless of colour; but for his purpose all this is an advantage. And his clear sound common sense, his dislike of fantastic theories, his hatred of paradox here stand him in excellent stead. He is not afraid to write a 'drum and trumpet history.' He does not shirk figures and statistics because they are dry. He does not refuse to believe that Edward IV murdered Henry VI, or that Richard III put to death the princes in the Tower.

First among the merits of the book considered as a chronological catalogue of the 'solid facts' of history is the adequate research on which it is based. The lists of authorities printed at the beginning of each volume are sufficient to show this; and the text itself proves that the long list of sources is no empty parade of erudition, but that all the books enumerated have been carefully and diligently utilised. And as additional tributes in his favour we should remember that Sir James has worked through all other English history up to 1399, in presumably the same manner, and has done much of his work away from the great public libraries of the country. Moreover, the time that must have been spent in the composition of these two volumes is a sufficient excuse for some of the latest works on the period not figuring in Sir James's lists of authorities.

Nearly all the English and most of the French authorities have been used by Sir James; and the modern writers of the two nations have been employed in about the same proportion. The only German work that appears in the list is Dr. Pauli's well-known 'Geschichte von England,' and all through the book Sir James seems to have made little use of modern German writers, even Pauli's influence not seeming to be very strong. Some books not in the list appear in the notes to the text, though these do not seem as a rule to have been so fully used. In most cases the best editions of the chroniclers have been consulted; though for Froissart—so far as he comes into the period—Kervyn de Lettenhove's elaborate edition, though far indeed from the ideal, ought to have been used, rather than the hopelessly modernised version of Buchon. It is a worse fault to have followed Buchon's text for Monstrelet instead of the edition of M. Douet d'Arcq, published by the Société de l'Histoire de France. Foxe's 'Acts and Monuments' should have been referred to in

the elaborate edition of Townshend. Among collections of documents, I miss any reference to the magnificent Vienna edition of the acts of the Council of Basel. Among modern books, Mr. Wylie's careful and elaborate History of Henry IV deserved better treatment than one reference in a note, and would, if used, have saved Sir James from some errors and omissions. The writers of the fifteenth-century articles in the 'Dictionary of National Biography' would have been better pleased had their labours been utilised. Modern French books, such as Jarry's 'Louis d'Orléans,' or Puiseux's 'Siège de Rouen,' or Wallon's 'Jeanne Darc,' are sometimes lost sight of. Lenz's 'König Sigismund und Heinrich V,' Caro's 'Bündniss von Canterbury,' might have been used more freely than the single reference in vol. i. p. 200 suggests. Aschbach's indispensable book on Sigismund does not seem to have been used at all. Lecoy de la Marche's 'Le Roi René,' so indispensable for the beginnings and end of the life of Margaret of Anjou, is not referred to. Löher's careful 'Jacobäa von Bayern,' so necessary for Humphrey of Gloucester's unlucky intervention in the Netherlands, is also neglected. Foreign periodicals, especially the French ones, have been, to the great loss of the book, almost altogether forgotten. Schanz, and the other German workers on English economic history, are not so much as mentioned anywhere. But no one can know or read everything; and in dwelling on what Sir James has not used, we must not forget how much he has used and how well he has used it.

Having before him most of the best writers on the period, Sir James Ramsay has employed them with great discretion. His book has the supreme merit of unusual accuracy and precision. In nearly every case in which I have had occasion to refer to his book for a name, a fact, or a date, I have found that the point in question is precisely and accurately given. In many cases where an apparent discrepancy was found, more careful examination has shown that the fault was not with Sir James Ramsay. Every one who has worked through the meagre and unsatisfactory English chronicles of the fifteenth century knows how extremely uncertain many of the precise dates of the period really are, and what a process of balancing and composing it is necessary to go through before any date can be regarded as positively established. Sir James has not shirked the enormous labour involved in this process, and the result is that his work attains a general level of accuracy which has been reached by few indeed of his predecessors. 'Lancaster and York' is not only the fullest working up of fifteenth-century history that we have; it is far and away the most precise and rigidly accurate one.

Besides its great quality of accuracy, the comprehensiveness of Sir James's narrative is also very worthy of commendation. The military details are full and careful, and the excellent maps, on a sufficiently large scale, of the chief battles and campaigns add very greatly to their value. The difficult battles of the Wars of the Roses are often explained with much greater clearness and intelligence than have ever been shown before. Foreign affairs, especially on the French side, are adequately treated. Finance is a special feature, and most elaborate original work among the manuscripts of the Record Office has enabled Sir James to construct the annual budgets of the period. Economic and commercial history is not

forgotten, though here the neglect of the Germans has stood in the way of completeness. The writer says quite truly that 'more of the solid facts of Scottish history will be found in these pages than in some Scottish histories of recent date.' Careful and copious genealogical tables show that Sir James has mastered the vital importance of the family connexions of the chief noble houses as the great clue to the faction fights of the Wars of the Roses. There are some excellently executed portraits, and for a map of France in the days of the Maid of Orleans, Sir James has wisely followed the supreme authority of Longnon. On disputed and difficult points an admirable sobriety of judgment is shown.

An adequate review of a book so much dealing with details as this must necessarily be a review of details; and as it would be tedious to enumerate the innumerable points on which Sir James Ramsay is right, it is with no wish of qualifying the general testimony I have given to his accuracy, that I shall now put together a certain number of passages where he seems to have fallen away from his usual high standard, or at least to have raised questionable points. But many of these possible errors or inaccuracies are pure points of detail; others involve questions of opinion, where no doubt Sir James would be able to say something on his own side; some are mere errors of omission; some may be set down to the printer; and few indeed are errors of the worst sort. The importance of the book as a precise catalogue of facts makes it worth some pains to note any slips or deficiencies.

In vol. i. in the genealogical table (IV) of the Hollands, Joan of Kent's husbands are not quite precisely given. Salisbury, not Holland, was the first to be married to her, though she had previously been contracted to Holland and had cohabited with him, and on the ground of the pre-contract her marriage with Salisbury was set aside as invalid. The chroniclers are not accurate on the point. In vol. i. p. 1, the narrative does not state so clearly as is desirable that the parliament which met on 6 Oct. 1399, though consisting of the same members as the parliament that deposed Richard, was, as summoned under fresh writs of the new king, technically a new parliament. A 'fresh session' is therefore a slightly misleading phrase. On p. 6 it is going a little too far to describe Sir John Cheyne as a 'known Lollard.' On p. 12 there are some slight errors with regard to Bishop Mark, or, to use a more correct form of the name, Merke. It was not on 27 Oct. but on 28 Oct. that he 'appeared in parliament,' and then it was not, as the text seems to suggest, of his own free will. He was brought up before parliament from the custody of the abbot of St. Albans, and accused of having conspired against Gloucester. Henry IV would have allowed him his clerical privilege, but Merke of his own will practically waived his rights as a clerk, by insisting upon the accusation against him being heard at once, and eloquently defended himself (*Annales Henrici IV*, p. 314). Moreover, though, no doubt 'never allowed to return to his bishopric,' he was called bishop of Carlisle until January 1400. The document in Rymer viii. 106, is misdated a year, and Strickland, the new bishop of Carlisle, did not receive restitution of temporalities until 15 Nov. 1400. Queen Isabella (i. 20) was not at Reading when captured by the conspirators in Jan., 1400, but at the manor of Sonning, a good three miles lower down the river. On i. 26–27

the causes of the great Welsh rising are rather slurred over. The quarrel of Reginald Grey with Gruffydd ab Davydd was certainly not, as Sir James seems to suggest, a main cause of the revolt, which really originated in the perfectly independent dispute between Grey and Owen himself, when Owen, failing to get redress for certain usurpations of his lands by the lord marcher, harried Grey's estates with fire and sword. I do not know any evidence that makes 'the strengest thief in Wales' a 'follower of Owen Glyndwr.' It is hard to be convinced by the argument on p. 32 that the proceedings of 1401 are no evidence of a 'reaction against Lollardy.' The expeditions of Henry IV into Wales in 1401, and the chronological difficulties involved in the ordinary accounts, are rather slurred over on p. 39. And it is pretty clear that the raid of the prince of Wales in the course of which Sycharth, Owen's chief residence, was destroyed, occurred not in 1401, as Sir James says (pp. 39–40, note 6), but in 1403, as Mr. Wylie first pointed out. A 'Lollard' could hardly (p. 43) become a bishop as Philip Repyngdon did. Sir James should not practically imply that 'Radnorshire,' a shire set up by Henry VIII, existed in the fifteenth century (i. 53).

The account of the battle of Shrewsbury in this work is certainly the best and most intelligible that has yet been given, though Sir James pursues his strong tendency towards minimising the numbers of medieval armies too far when he seeks to prove the smallness of the forces engaged by mentioning that the 'probable battle front was not 300 yards wide,' and the manœuvres 'executed within an area of four or five acres of ground.' A reference to the charter founding the memorial chapel on the battle field, quoted by Mr. Wylie from Owen and Blakeway's 'Shrewsbury,' would have told him that the bodies of the dead covered a space of three miles. Owen's so-called 'Parliament house' can, unfortunately, be no longer 'pointed out at Dolgelly' (i. 76). 'Coify' on i. 92 is not 'Caerphilly' but 'Coyty.' Accuracy in Welsh names is not Sir James's strongest point. Nor is his whole account of Glendower quite adequate, though generally accurate so far as it goes. But one of the worst omissions in the book is the neglect to say anything about Glendower after 1405.

Geography, despite the excellent maps, is not always very clear in Sir James's book, and his geography is not always the geography of history. For example 'Lund' (p. 105), though now 'in Sweden,' was not Swedish until the seventeenth century, but Danish. The 'Lampadar' of the records is not, as has been more than once pointed out, 'Lampeter,' but 'Llanbadarn,' that is practically Aberystwith (p. 108). On p. 142 Sir James takes a fundamentally false view of Henry IV's character. It is quite wrong to describe him as 'not a soldier or a sportsman.' In his youth he was the pattern knight of chivalry, and it is a very inadequate way of describing his two crusading expeditions to Prussia and his laborious pilgrimage to Jerusalem as 'two tours abroad,' and one of these is not quite precisely dated. To say that Henry's talents were those of a good official is equally misleading, and his relations with Christine de Pisan, quoted in the note, do something to show a 'feeling for literature and art.' Capgrave's testimony to Henry's love of the conversation of learned men is neglected. And to quote an obsolete statement of Warton,

that he 'can only assign one poet to the reign,' is most misleading. Chaucer lived into the reign and got from Henry an increase of his pension. Gower lived until 1408, and Lydgate had already begun his long literary career under the patronage of the prince of Wales.

Space will not allow me to follow up the details of Sir James so closely for subsequent reigns as for that of Henry IV, but a few more points are worth noticing. 'Monks at Westminster' had no 'cells' (i. 162). Bannockburn was a victory of the Scots infantry over the English knights, so that there can be no real analogy between Bruce's acts there and the plan of the French before Agincourt (i. 208). Sir James has taken great pains to collect official records of the numbers of the English armies, and has done excellent service in refuting conclusively the loose exaggerations of the chroniclers, but his reaction from them has carried him, as we saw at Shrewsbury, too far in the other direction, and his ignoring the important fact that each 'lance' or 'man-at-arms' was attended by a little train of armed followers leads him to seriously maintain that Henry V started from Harfleur with less than 4,000 men. Yet his own materials supply a confutation of his view, for on i. 200 he speaks, though with insufficient emphasis, of the 'varlets or pages,' and tells us naively how 'at this rate 2,000 lances, if all plain esquires, would have 6,000 spare horses,' and how 'in all the English expeditions across the Channel the number of horses seems remarkable.' The fact that the king provided four horses for each esquire, and six for each knight, shows that the 900 'lances' who started from Harfleur should be multiplied by something between four and six, if we would get the real number of the heavy armed troops who fought the Agincourt campaign. Even then the numbers seem marvellously small.

Sigismund brought to England not the 'head' but the 'heart' of St. George (i. 234). The topographical details of the siege of Caen (i. 248–250) are not very precise. St. Stephen's abbey is to the west, not to the south side of the town.' Similarly, as Falaise is south of Caen, the Caen road' can hardly be on the south side of that town. On ii. 27, a very inadequate tribute is paid to the poems of Charles of Orleans, and on pp. 31–32 the suggestion that Eleanor Cobham had 'merely endeavoured to interest the king in natural science' seems as wide of the mark as it well can be, and it is hard to see how the fact that Roger Bolingbroke wrote a book 'de innocentia sua' and 'contra vulgi superstitiones' raises 'a strong presumption in the writer's favour.'

There are a few slight inaccuracies in the generally faithful account of the negotiations about the marriage of Henry VI and Margaret of Anjou. It is going too far to call René of Anjou a 'landless man' (ii. 56), when he was lord both of Provence and Lorraine. Chastelain's account of the imprisonment of Margaret at Loches is possibly true, but Sir James's attempt to fix it in 1444 rather breaks down, if she were released, as Chastelain says, at the instance of Charles of Charolois, then a boy of eleven. The marriage treaty was not signed on 25 Dec. 1444, but, as Lecoy de la Marche shows, only after Easter, 1445 (ii. 63). There was not 'more than three weeks,' but only seventeen days, including the time of passage, between her arrival at Rouen and arrival in England. Margaret was born not on 23 March 1429, but, reckoning the year to begin

on 1 Jan., on 23 March 1430. The accounts of Mauléon on p. 73 and p. 101 are not quite easy to square with each other. A fuller description of the site of the battle of Castillon (ii. 155) would have brought out more clearly Talbot's rashness in attacking the French camp on the Lidoire when retreat to the south was cut off by the broad and deep Dordogne, and to the north by the occupation by the French of the rising ground that slopes down nearly to the right bank of the stream. 'Morgan-Pelagius' (ii. 206) is a quaint description of a famous heretic. On ii. 212 is one of the very few wrong references I have detected, and there is another on ii. 236, and a third on ii. 354. As a rule, Sir James Ramsay's references are scrupulously and exceptionally accurate. On ii. 236 Sir James is probably wrong in putting the famous incident of Margaret and the robber at the time of her flight to Wales in 1460. Chastelain himself puts it at the time of her later troubles on the Scottish border, and it is hard to go behind his statement. It is very unlikely that Margaret took refuge at Deerhurst during the fight at Tewkesbury, as one of the authorities puts her refuge somewhere on the road to Worcester, and Deerhurst, to the south of Tewkesbury, would have exposed her to the Yorkists' mercy On ii. 415, René's action at the time of Margaret's release is misdescribed in a note. He did not 'make a cession of Provence,' but surrendered Bar and Anjou for two years (Lecoy, 'Le Roi René,' i. 411). On ii. 250, a better authority should have been referred to for the foundation of colleges than the Oxford and Cambridge Calendars. If the same authority is accepted for earlier times, Sir James may have to follow the statement that 'University College is said to have been founded in the year 872 by Alfred the Great.'

Of such a kind are the occasional slight slips or points of disagreement that I have found in Sir James Ramsay's work. Considering the vast number of facts accumulated, the inaccuracies are, as has already been said, neither numerous nor important, and could with a very slight effort be entirely removed in a second edition. It only remains to strongly reiterate the opinion already expressed as to the remarkable value of the book as an important and accurate chronicle of the bare facts of history, and to express a strong hope that the delegates of the Clarendon Press will bring out the remaining portions of a work so useful to the historian and student. The criticisms with which these two volumes have been received may indicate the direction in which the unpublished part may profitably be revised; but in any case, if what has been printed is any evidence of what has not been printed, it ought to see the light without unreasonable delay, and especially ought those parts to be published which deal with the thirteenth and fourteenth centuries, a time for which we have in English no general detailed guide at all. In an age of magazine articles and small handbooks, and at a time when historical continuity is often lost sight of by breaking up the story into epochs and subjects, good general 'annals of England,' accurate, sensible, succinct, and impartial, and the result of the long labours of a scholarly life, should not be lightly put aside, because of some want of literary skill and some failure in historical breadth, imagination, and insight.

T. F. Tout.

The English Rising in 1450. By GEORGE KRIEHN. (Strassburg: Heitz & Mündel. 1892.)

THIS is a remarkable treatise, and must command the attention of future students of English history in the fifteenth century. That it is the work of an American residing in Germany, and written with the view of obtaining a degree at the university of Strassburg, will enable the English reader to make allowance for the spelling 'Clerkinwalls' instead of Clerkenwell, and for a still more extraordinary blunder at p. 46, where the author places Portsmouth in Kent, though the latter is the more unaccountable as the author is generally very careful in his geography. On the whole, however, the English is good and lucid, while as regards the matter, though it cannot be said to have dispelled all the mystery connected with Jack Cade's rising, it certainly enables us to correct many misapprehensions and to see many things more clearly than before.

The first two chapters of the treatise are devoted to an examination of original authorities, contemporary documents, and the works of modern writers who have investigated the subject. Chapter III. is an historical introduction; Chapter IV. an investigation of the causes of discontent; and the remaining chapters contain an account of the rising itself as seen in the light of a critical study of the authorities, and are followed by an appendix devoted to a rectification of the chronology of the rising. This systematic treatment of the whole subject places the real evidences before the reader in so clear and lucid a manner as to leave little room for doubt about many things, and where ambiguities still remain it may at least be said that we are now in a more advantageous position to work towards their ultimate solution.

In his examination of original authorities Herr Kriehn gives the first place to the work which it was my privilege to edit under the name of 'Gregory's Chronicle,' when it was printed for the first time in 1876, for the Camden Society. Whether it was really the composition of William Gregory, who was mayor of London in the thirtieth year of Henry VI, I admitted at the time was not altogether certain; but there was a claim of authorship in the work itself which seemed to be put forth by him, and I pointed out other circumstances which might be considered to favour that claim. Herr Kriehn, I am bound to say, has made out a very strong case to the contrary, and we must now, I think, attribute the chronicle from the thirtieth year of Henry VI onwards to the pen of a later mayor. But the part of the narrative which treats of Jack Cade could not have been that later mayor's composition any more than it was Gregory's. It must, indeed, have been the work of a contemporary citizen of London, who was probably an eye-witness of many of the occurrences he describes; and though by no means an unbiassed narrative, it is generally accurate and at the same time delightfully vivid. We must remember, however, that it must now be regarded as having no official authority whatever.

Next, Herr Kriehn, from a comparison of the city chronicle in the Cott. MS., Vitellius A. xvi. (which he cites under the name of 'Chronicon

Regum Angliae') with 'Caxton's Chronicle' and Fabyan's, infers that they are all three derived from an older London chronicle now lost, used at times more freely or more sparingly by one or other of the three. In this original authority the account of Cade's rebellion must have been written not very long after its occurrence, but still after some slight interval had elapsed sufficient to have caused the author to misdate all the London events one day too early. As this error seemed to be confirmed by three different authorities, no one has hitherto thought of questioning it; but when it is shown that these three authorities are really only one, and that a better harmony of all the evidences can be arrived at on the supposition that it *is* an error, there is certainly no good reason to maintain the old chronology. Moreover, there are clearly one day's proceedings unaccounted for on any other supposition. Cade is said to have entered the city on 2 July (Thursday), and again on Friday the 3rd, and once more on Saturday the 4th, retiring always to Southwark for the night. But he appears only to have occupied Southwark for the first time on the afternoon of 2 July—the same day that another body of insurgents from Essex arrived at Mile End, and to have been, like them, stayed outside the city. He and his followers had friends, of course, in the city council, but it is not true, apparently, that any formal vote for their admission was carried. He distinctly *forced* his way into the city on the afternoon of Friday, 3 July, not without some degree of fighting on London Bridge; then held a conference with the lord mayor, and obtained a promise of freedom for all his men to come and go in future. That same day also (as it appears by a hitherto neglected statement in the Vitellius MS.) the corporation met at the Guildhall by summons from a royal commission 'to enquere of all persons that were traitors, extorcioners or oppressors of the Kynges people.'

This piece of information is very significant. It was always quite well known that the king's council, finding that the loyalty even of the royal troops could not be depended on, had counselled conciliation and ordered Lord Say's committal to the Tower. But it was not known that the king himself had at this juncture issued a commission distinctly intended to be used against those who had hitherto been court favourites, and that the lord mayor was to sit on this commission along with the judges. It was a startling reversal of policy, but could it be depended on as permanent? Apparently the judges did not think so, and did not like the responsibility of acting on a commission wrung from the court by sheer compulsion. 'The justices,' says the same manuscript, 'wolde not be founde; wherfor the citizens were right evyll content.' The commission, however, was not to be frustrated. Robert Danvers was made justiciary and the court was opened on Saturday the 4th. The late duke of Suffolk, though dead, was indicted of treason along with his living duchess; also the deceased bishop of Salisbury, with Thomas Danyell, John Say, and others who had been so influential hitherto.

So far, apparently, the rebels had triumphed. Indeed, if the new policy was to be maintained, they could not have been truly accounted rebels at all, for they had only risen to enforce demands which were now acknowledged to be just, and any little irregularities in the mode would have been (and probably were in many cases) covered by the pardons which

they afterwards received. But unhappily the judicial commission gave satisfaction to nobody. Lord Say was taken out of the Tower and brought before it, and he claimed the constitutional privilege of being tried by his peers. The rebels, however, would not brook delay, and hurried him to the Standard in Cheapside, where they beheaded him without more ado. His son-in-law, Crowmer, sheriff of Kent, was also beheaded in an equally lawless manner The whole *morale* of the rebellion and the discipline hitherto enforced by Cade was now at an end, and Cade himself was guilty of things which, in spite of Herr Kriehn's attempt to palliate them, I must own seem to me rather more than irregularities.

But the question remains, Who was Jack Cade? And that is a question from which we seem now as far off from an answer as ever, if not rather further off than before, for Herr Kriehn altogether discredits the official record of his past career. His real personality, he thinks, was unknown to the authorities, even after his capture. The name Mortimer which he first assumed was certainly not his true name, and his pardon under that name became invalid when the falsehood was found out. But whether the name Cade was his true name seems to Herr Kriehn almost equally doubtful, and the official statement that he was an Irishman is also open to suspicion. Herr Kriehn might, indeed, have set these two statements against each other; for Cade is a regular Sussex name and was not likely to have been borne by an Irishman. But Herr Kriehn also discredits the story of his having lived with Sir Thomas Dacre in Sussex, and of his having been a year before compelled to fly the realm for having murdered a woman with child. 'Would the men of Heathfield,' he asks, 'have followed a man whom they knew to be a murderer? How could Sir Thomas have suffered such society about his premises?' I confess I do not attach much weight to this argument. But as another story identifies Cade with a 'Mr. John Aylemere, physician,' who dressed gaily in scarlet and married 'a squire's daughter of Taundede,' it must be owned that it is rather difficult to say who he was at all. Nay, it is not even certain nowadays that he was one man all along; for if we may believe the so-called Gregory, there were two captains of Kent, one of whom succeeded the other before the second encampment of the rebels at Blackheath. I am not surprised at Herr Kriehn regarding this statement with incredulity; for no one, certainly, will accept it without misgiving. But I am not so clear as he seems to be that the captain, whoever he was, maintained as good discipline in London as he had done throughout; in fact, quite apart from the plunderings, the lawless executions of Say and Crowmer prove clearly that he did not. If, however, it was one man throughout, all we can say is that he must have been a man of some military experience and capacity, whose personality and past history were not clear even to his contemporaries.

There is much else in this valuable contribution to English history which deserves notice; but I must content myself with saying that the sketch of the early history of the rebellion and the discussion of its causes claim no less attention than the account of the events in London. The chronology of the earlier history of the movement has been nearly as much confused as that of the later incidents; and future historians will

owe a debt of gratitude to Herr Kriehn for having rectified it. I must also express my obligations to him for pointing out the very suspicious character of the statements in John Payn's letter. I now wish that I had not followed Fenn's example in taking it out of its true chronological place in the Paston correspondence, merely because it relates entirely to events of the year 1450. JAMES GAIRDNER.

The History of Corpus Christi College. By THOMAS FOWLER, D.D., LL.D., F.S.A., President of the College. (Oxford: Printed for the Oxford Historical Society at the Clarendon Press. 1893.)

Registrum Orielense: an Account of the Members of Oriel College, Oxford. Vol. I. *The Commensales, Commoners, and Batellers admitted during the Years* 1500–1700. Collected and arranged by CHARLES LANCELOT SHADWELL, M.A., B.C.L., Fellow of Oriel College. (London: Henry Frowde. 1893.)

DR. FOWLER'S book is one of the most valuable works published by the Oxford Historical Society. My only regret is that, appearing in a series of this kind, it is not likely to find its way into the hands of a larger public than the subscribers to that society. Many other of the society's most important undertakings are of a kind which could not well be published except by such a society—collections of materials, or books of reference, like Mr. Clark's invaluable 'Registers.' But the president of Corpus's book is a contribution to historical literature. He has rightly not shrunk from the minute discussions of biographical and local detail which such a work demands, and which will naturally be of most interest to members of the college, or to students concerned with the biography of the various personages discussed; but Dr. Fowler combines the thoroughness and accuracy of the accomplished editor with a keen eye for the wider historical significance of small matters. His book may be read with interest by the most 'general' reader on account of the abundant illustrations which it affords of the social history and educational habits of the last four centuries. The materials at the president's disposal are singularly rich, and he has spared no pains in making the most of them. There are many older, wealthier, and larger colleges about whose history it would be hard to produce a quarter as much interesting matter. If there is much in his narrative that is discreditable, the same could probably be said of an equally veracious record of any similar society; and there are few colleges whose record is so brilliant and so pleasant to read about as the history of Corpus during at least two periods of its existence—first, what we may call the Hooker period (in spite of the theological feuds and bitternesses of the time), and again what we may call the Arnold period, at the beginning of this century—a period which the president has further illustrated by some letters of Archdeacon Phelps which will be less familiar to most readers than Stanley's classical biography of the greatest of that little knot of students. In many ways one could wish that an equally simple, economical, industrious, and healthy life were possible to the modern undergraduate. The reviewer need do no more than con-

gratulate the college on having found so excellent an historian, and the president on having produced unquestionably the best college history that has yet been written.

Of Mr. Shadwell's work it is only necessary to say that it is done as such a work should be done. We do not know precisely why Mr. Shadwell should have begun his edition of the Oriel Register with the non-foundation members admitted after 1500, to the exclusion of the medieval period and the list of fellows. But no doubt the reasons are adequate. At all events this procedure avoids an anti-climax; the most interesting part of the work is yet to come. The present volume consists of a list of names, with all that can be found about them in the college register, supplemented to some extent by other sources of information as to their Oxford careers. Wherever there is an entry of more than a merely formal or routine character (which is of course rarely the case) it is given *in extenso*. The preface is short, but a really valuable addition to college history, explaining clearly the difference between the *commensalis*, the *communarius*, and the *batellarius*, with several other interesting bits of information. When the book is completed, it will be one of the most valuable authorities for Oxford history and a model for future workers in similar fields.

H. RASHDALL.

Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII. Preserved in the Public Record Office, the British Museum, and elsewhere in England. Arranged and catalogued by JAMES GAIRDNER, Assistant-Keeper of the Public Records, under the direction of the Master of the Rolls. Vol. XIII., Part I. (London: Her Majesty's Stationery Office. 1892.)

UNFORTUNATELY this is only half a volume and extends over little more than half of the year 1538. It is, therefore, without an index, which will, no doubt, appear in due course at the end of the second part, which, we suppose, will be occupied with the remainder of the year. And we were, therefore, a little surprised at finding so long a preface, extending over forty-seven pages, the extreme limit allowed by the Master of the Rolls being fifty pages. Our regret at finding an introduction to a part of a volume, which we thought might better have been reserved till the publication of the second half, was shown to be premature when we came to the last two lines of the preface, in which Mr. Gairdner says that he 'must leave some other subjects to be dealt with in the introduction to Part II.' It is evident, therefore, that Mr. Gairdner has a good deal more to say as regards the papers calendared in the earlier as well as the later part of the year 1538. And thus, though we should have been glad of a general survey by the same masterly hand of the remaining period of the year, we must be content with what we have here presented to us. The consequence of all this is that when we have followed the editor's preface through all that he has to say we want to hear more, and feel a little disappointed at his breaking off, as it were, in the middle of a story which has to be finished in the preface to another part which will follow after an interval of some months. Thus the first half of his preface is mainly occupied with exposing the nefarious transactions of Cromwell's visitors in

the suppression of the monasteries, which was going on not only through the period occupied by this volume, but through the rest of this year and the following. On this subject Mr. Gairdner's irony amounts occasionally to sarcasm, provoked sometimes by the absurd misrepresentations of historians who have fondly believed all that the scoundrels employed in the visitation professed to have discovered. He has devoted less space to the far more interesting portions of the contents of the volume, which allude to the diplomatic transactions with other European courts. We have in this volume for the first time the advantage of comparing other documents with the French version of affairs, which was published in 1885 by M. Kaulek from the French archives. The whole of M. Castillon's correspondence with the French court as published by M. Kaulek will be found fully described in this volume, and this, together with that of his successor, Marillac, is of the highest interest, as will appear in forthcoming volumes of the series.

The northern rebellion had failed. The king was comparatively at ease. There was now no longer any fear of an invasion from the emperor to help the disaffected subjects; and the death of Jane Seymour had opened the way for negotiations which kept up the balance of power in Europe, then seriously threatened by the appearance of amicable relations which might be established between the emperor and the French king. This was the state of things which induced Henry to play the double game of asking for the hand of the duchess of Milan with the view of establishing a connexion with the emperor, and professing at the same time a wish to marry the duchess of Longueville, who was already affianced to James V of Scotland with a view to friendly intercourse of France and Scotland. The state papers here epitomised illustrate well the tortuous policy of the king of England, which was frustrated by the peace patched up at Aigues Mortes between Francis and the emperor. The juxtaposition of the Spanish and the French state papers draws out in quite a ludicrous fashion the manner in which Henry was providing for all contingencies, apparently quite willing to marry whichever lady was likely best to forward his interests, and taking it for granted that no opposition on the part of the lady herself would be allowed to interfere with his purposes, and so when James V had carried off the duchess of Longueville substituting her younger sister in her place. We have here in the very same state papers Cromwell's instructions to Sir Philip Hoby to make overtures to both in succession, and to procure their portraits, to enable the king to please his own fancy. The papers are only copies, but the second is headed 'Instructions given by the Lord Cromwell to Philip Hoby,' sent over by him to the duchess of Lorraine, then to the duchess of Milan.'

In his preface Mr. Gairdner has, with his usual penetration, skilfully delineated the attitude both of the king of England in his conversations with Castillon, the French ambassador, as well as the relations of Castillon and his master, the French king. In this respect the papers derived from the French archives are of first-rate importance.

As regards minor matters we observe there are two letters of Cranmer's which have escaped the researches of all the editors of his works. Neither of them is of much importance, but they are worth mentioning, as it is

certain there will never be another edition of the works of this now thoroughly discredited archbishop of Canterbury. One of these letters, though unimportant in itself, has one paragraph in it which alludes to a matter of considerable importance. It ends with saying that the writer has received strange news from Rome, sent by a servant of Ghinucci, the late bishop of Worcester, who had recently been created cardinal, the servant having formerly been in Cranmer's service. The news conveyed appears in the very next entry and is of the highest importance. It is to the effect that there had recently arrived an Irish canon, who had informed the pope that, as the king had taken upon himself the whole power of the pope, and the whole realm was divided—perhaps nearly equally—a powerful Irishman had sent to say that he had ascertained that the bishops and religious houses in the greater part of Ireland were all ready to rise at the bidding of the pope, because they refused to be governed after the order of the church of England. Accordingly he asks for aid from his holiness to the extent of 30,000 men, when he and his people will join them on landing, and implies that they will be sufficient for the conquest of Ireland. That being accomplished, he will reimburse his holiness with 100,000 ducats of gold and defray all the costs of the expedition. The curious part of the intelligence is that the pope had resolved, after mediating the peace between the emperor and the French king, to call a general council and request 'all Christian princes to aid the good Christian people of Ireland,' especially naming the king of France and the king of Scotland, in order to send a fleet to Ireland to help 'the gentleman who has written to his holiness against the tyrant of England.' The communication ends with the words, 'God give unto all Christians strength to confound the antichrist of England and the dog Luther, his brother.'

In addition to the subjects we have touched upon there are several papers of the highest interest relating to the attempt to establish friendly relations between the king of England and the German protestants, with the view of opposing the general council which had been summoned by the pope to meet at Vicenza. The account of the truce between the emperor and the French king, agreed upon at Nice, has been anticipated in the last issued volume of the Spanish Calendar, where the circumstances of the meeting have been detailed at considerable length by Don Pascual de Gayangos.

NICHOLAS POCOCK.

Histoire du Règne de Marie Stuart. Par MARTIN PHILIPPSON, ancien professeur aux Universités de Bonn et de Bruxelles. 3 vols. (Paris: Émile Bouillon. 1891–1892.)

IN these three volumes, extending to over twelve hundred closely printed pages, is told yet once more the story of Mary Stuart and her fortunes. It is true that their author claims a double distinction for his work. While others have been chiefly interested in the woman Mary Stuart, he professes to be mainly concerned with the queen. But the distinction is more verbal than real; and as far as his conception of his task is concerned, these volumes of M. Philippson differ little from those of his pre-

decessors. The author's second claim for the distinctiveness of his work is that he has presented in a new light the religious and political significance of Mary's reign. As stated by himself (vol. i. pp. v–viii), this significance lay simply in the fact that the struggle between Elizabeth and Mary decided whether protestantism or catholicism was to be the dominant religion in Great Britain, and whether or not Scotland was to form one kingdom with England, which should eventually become the bulwark of protestantism in Europe. If the distinctive merit of M. Philippson's work rested on either or both of the grounds which he himself puts forward, they would hardly have justified its existence. What constitutes his just claim to consideration is his long familiarity with his subject and the fairness of mind with which he has approached it.

By the inordinate length and somewhat perverse plan of his book M. Philippson has seriously marred the result of his labours. At the close of his first volume we have only reached the arrival of Mary in Scotland in 1561, and the third and last leaves us at her flight to England in 1568. It is M. Philippson's notion, however, that from that moment Mary lost 'all political and historical importance' (iii. 427). In view of all that happened between 1568 and her death in 1587, both in Britain and on the continent, this view is so arbitrary that few of his readers will give him credit for having really completed the task he undertook. Prisoner as she was, it was in Mary's name that the most frightful civil war Scotland ever knew was waged till the fall of the castle of Edinburgh in 1573. As the forlorn hope of the catholic party in England and the convenient tool of the catholic powers abroad, she remained a factor in European politics that could not be ignored. When at the news of her execution London kindled bonfires and rang its bells, it was the spontaneous expression of the sense of relief that the country was rid of one who was a perpetual menace to the public peace. In truth, as a captive and a victim, Mary was a more formidable force than when in the hour of her triumph she drove Moray and the rebel lords to seek grace at the feet of Elizabeth. It was from this conception of the relative significance of the different periods of Mary's reign that Mignet devoted the second of his two volumes to the events that followed her flight to England, and closed his work with the Spanish Armada as directly involved in the tragedy of Mary Stuart.

As has been said, M. Philippson has approached his subject in the spirit of an historian and not of the partisan or the sentimentalist. What he says of Mary, therefore, has all the weight of adequate knowledge informed by sound judgment. According to M. Philippson the notion of Mary as the innocent victim of the unscrupulous arts of Elizabeth and Cecil and the turbulent ferocity of the Scottish nobility runs counter to all the facts of her history. Far from being a harmless innocent, she was a match for her enemies at their own weapons. She had a policy as far-reaching as theirs, and she pursued it with a skill and indifference to means that placed her at no disadvantage in the game she had to play. As it happened, she was the losing party; but this was simply the hazard of the game, which was as likely as not to have ended in her own favour. When she came to Scotland in 1561, she had three great objects in view

—absolute power, the acquisition of the English crown, and the restoration of the old religion in both countries. These objects, according to M. Philippson, she followed up with a tact and persistence for which her biographers have not given her credit. Unfortunately for the success of her schemes, she was subject at critical times to gusts of passion when she threw policy to the winds, and undid in an hour the work of months and years. Examples of these blind impulses were the Darnley marriage, her relation to Bothwell, her abdication at Lochleven, and her flight to England (iii. 425). Such is M. Philippson's reading of Mary's character after his prolonged study of the facts of her history. It will be seen, however, that, even as he presents them, these facts all go to support the common view of Mary's nature and special gifts. When, at each critical juncture in his life, any person is swayed by passion that overbears all good counsel, he can hardly claim to be considered a capable and prudent ruler either of himself or other people. But it was precisely at such junctures that Mary showed how incapable she was of that self-restraint which was indispensable to the task she was called upon to perform. The common conception of Mary, therefore, we believe to be nearer the truth than that of M. Philippson. She was a clever, accomplished, and fascinating woman; but she had neither the sanity of mind nor the steadfastness of purpose which makes a prudent ruler.

Regarding the darkest passage in Mary's history—the murder of Darnley—M. Philippson has theories of his own, of which it may be said that they are hardly borne out by his own presentment of the facts. Mary, he would have us believe, was fully aware of the plot for her husband's murder, but she had no share in its execution. Her sudden reconciliation to Darnley, and the convenient bringing of him to Edinburgh, were prompted by the desire to have him out of the hands of his family; yet it is implied in M. Philippson's own narrative (iii. 319) that the Lennox at this time had no real power in the country. Of Mary's conduct after the tragedy of the Kirk of Field, he speaks in terms as severe as her sternest censor could wish. All that could discredit her in the eyes of Christendom, that could ruin every higher object on which she had set her heart, was done by her in the miserable months of her infatuation for Bothwell.

We have said that M. Philippson's volumes give unquestionable proof of his familiarity with his subject. Compared with many foreign books dealing with England, his work is, indeed, singularly free from those errors into which a foreigner almost inevitably falls. In a work involving such a multitude of details, however, it was hardly to be expected that the author should not fall into a certain number of errors, which yet do not materially affect the value of his narrative. M. Philippson has made odd mistakes with reference to the geography of Scotland, and he has curiously confounded certain well-known personages in Scottish history, such as the Earls of Argyle, father and son, and less excusably Erskine of Dun and Erskine of Mar (see index). Bishop Leslie, an authority whom he constantly quotes, is confounded with Bishop Panter, and made Scottish ambassador in France about 1550 (i. 114, *note*), though at that date he was only a student in the university of Poictiers. M. Philippson

has little sympathy with Knox, whom he disposes of simply as an unruly fanatic. Knox, however, has a cruel revenge, since M. Philippson hardly ever mentions him without some more or less serious blunder (i. 104, 108, 122, 124, 129). He not only blunders as to the facts of Knox's life, but he cannot even quote him with tolerable accuracy (i. 260, ii. 72). Similarly, M. Philippson is very severe on the inaccuracy of Buchanan; yet, singularly enough, he seldom makes a statement regarding Buchanan without giving a patent example of the same fault. M. Philippson also points out errors in Mr. Froude; yet he himself makes Mr. Froude say what he certainly did not say (i. 102, *note*). M. Philippson, it should be said, is so frank in pointing out the lapses of others, that there need be the less hesitation in drawing attention to his own. It would be easy to increase the tale of his own shortcomings, but we repeat that these shortcomings do not affect the essential value of his work.

P. Hume Brown.

François de la Noue (1531–1591). Par Henri Hauser. (Paris: Hachette. 1892.)

This is a book which commends itself not only to the lover of monographs, but to the general reader. La Noue was confessedly the Bayard of the wars of religion, the most universally popular of all their heroes. His friendships extended to both camps, to Strozzi and Martigues as to Coligny and Teligny. When taken prisoner the duke of Parma tried to spare, and Walsingham strove hard to release him. His final liberation was due equally to the house of Lorraine and to Henry of Navarre. His importance among his contemporaries is proved by the fact that his 'Discours Politiques et Militaires' were at once presented by Walsingham to the queen, that they were translated into English within a year of their publication, and that this was closely followed by a German translation and a Dutch adaptation. Soldiers and statesmen, essayists and historians all sang La Noue's praises. The age cannot have been entirely bad; this chorus celebrated not the successful general, for he generally failed, but the soldier who never plundered and never massacred, who was faithful to his wives and was in his cups but once.

La Noue's career extended over a larger portion of the wars of religion than that of any of his contemporaries equally distinguished, and it has several strong dividing lines. The author has done well in accentuating these, and in laying stress on those periods of the wars in which La Noue was really a leading character. Such are the defence of Rochelle, the union with the Politiques and the disaffected princes, and the operations in the Netherlands in behalf of Anjou. To these must be added chapters of more strictly personal interest—the story of the hero's long captivity, his defence of Sedan and Jametz in the service of his ward the heiress of Bouillon, and a very readable *critique* of the Huguenot captain as thinker and writer. In two or three cases we think that M. Hauser would have done well in relaxing the severe self-restraint which he has exercised. The general situation during the years 1574–6 is so difficult that some consideration is due to readers who are not specialists, and this is trebly true of the relations of La Noue's master Anjou to the states-

general and to the Walloon malcontents. A short *exposé* of the general military situation might also have added to the clearness of La Noue's final campaigns for the crown. Some twelve pages in all added to the frame would have set out the portrait.

The author is at pains to justify his hero's alleged breaches of honour. The charges brought against him relate to his acceptance of the command of Rochelle and his subsequent desertion, the encouragement given to the breach of the treaty of Rochelle, and the defence of Sedan against his benefactors, the house of Lorraine. M. Hauser may be correct in his conclusion that where the intricate path of honour seemed to fork La Noue always chose the right way, but that he placed himself imprudently often in the predicament of choosing. If it be true that he was released after his capture at Mons on condition of not serving thereafter against Spain, Philip's cruelty had some slight justification. 'Il ne garde ni foi ni loi,' said Henry III to Vargas, 'car je lui ai sauvé deux fois la vie, le duc d'Albe une autre fois à Mons, et il n'a rien tenu de ses promesses,' and he added that he wished no one's death, but that La Noue would richly deserve it.

In an appendix M. Hauser prints twenty-seven letters of La Noue, which he describes as unpublished. The nine letters, however, addressed to Des Pruneaulx have already been published by Muller and Diegerick in 'Documents concernant les Relations entre le Duc d'Anjou et les Pays-Bas,' vols. ii. and iii. La Noue's letters to Walsingham of 1588 are of considerable interest. On 14 June he expresses his fears that the capture of Sedan and Jametz by the house of Lorraine would be followed by that of Metz, and that its intention was to make the duchy of Lorraine the cradle of a new kingdom of Austrasia. In congratulating Walsingham on the failure of the armada he expresses a hope that 'le gentil Draq' will waylay the fleet from the Indies. 'L'Espagnol voulloit prendre la Flandres par l'Angleterre, mais vous pourrez plustost prendre l'Espaignol par les Indes.'

M. Hauser thinks that La Noue's correspondent 'Mr. L.' may possibly be Lord Leicester. It seems not improbable that it was Thomas Layton, or Leighton, who was intrusted with missions to both France and the Low Countries by the English government. E. ARMSTRONG.

America: its Geographical History. By WALTER B. SCAIFE. Johns Hopkins University Studies in Historical and Political Science. Extra Volume. (Baltimore: Johns Hopkins Press. 1892.)

THIS work consists of six lectures, delivered by Dr. Scaife to graduate students at the Johns Hopkins University. In these the various pieces of the map of America are taken and fitted together. Dr. Scaife tries to make his readers consider the fact, so difficult to realise, that the bold voyagers and discoverers of the fifteenth, sixteenth, and seventeenth centuries did not and could not know anything about the shape or size of the map which is now familiar to children. Each piece of the puzzle had to be found and fitted in. When they had Mexico and California and some parts of Canada, they knew nothing of the various pieces between, and many believed there must be, somewhere between Panama and Labrador, a passage to Asia. A comprehension of the gradual growth of this know-

ledge and some acquaintance with the maps of the country at different periods during the process of discovery are necessary for the intelligent study of American history. Every adventurer of those interesting centuries who plunged into the unknown west, while certain of encountering terrible hardships and dangers, had a chance of discovering a Mexico or a Peru, and was inspired with hopes of finding the island of Bimini with its fountain of youth, or fascinating and elusive Eldorado. Dr. Scaife shows this in these lectures, and makes the main facts plain in a manner which shows evidence of intelligent investigation and study, though perhaps the research has not always been as exhaustive as it might have been. For instance, he seems not to have seen the Venetian edition of Ptolemy brought out by Gastaldo in 1548, yet that is a serious and well-known work, giving maps of North America, as far as it was known, without fantastic embellishments, eight years before the Ramusio map which Dr. Scaife quotes Mr. H. H. Bancroft as saying 'was the first printed representation of North America as it was actually known.'

Then again, though Sebastian Münster's map of the New World, printed in 1540, gives a fairly correct outline of South America, much too broad for its length, yet correct enough to be founded on knowledge, Dr. Scaife says that A. de Camargo in 1540 for the first time completed the knowledge of the outline of South America. If the Münster, the Gastaldo, the Venetian Ptolemy of 1598, and the Mercator and Hondius of 1612 had been examined by Dr. Scaife, he might have avoided several slight errors. For instance he says that Guiana appears for the first time in 'The World Encompassed by Sir Fr Drake 1628' and that in the same work 'Bonos Ayres, also a new name, is applied to a small affluent of La Plata.' Both these names and many more are to be seen in the magnificent 1612–13 edition of Mercator and Hondius. In the same work South America is divided by boundary lines in the most unmistakable fashion, which our author ignores when he says 'on the map published by Hakluyt in 1589 there is an attempt to draw boundary lines, and the second map of this nature known to us is a French map of 1640.' In the 'Merchants Map of Commerce,' London, 1638, we read: 'Mexicana containeth the northern tract of America and comprehendeth these distinct Provinces, Mexico, Quivira, Nocaragua, Jucutan, Florida, Virginia, Nurembega, Nova francia, Corterialis, Estolilandid,' and 'Peruana contains the southern part of America. This part doth comprehend by the computation of the Spanyards, whose relation in this vast countrey I must follow, five distinct Provinces: Castella Aurea, Guiana, Peru, Bresilia, Chile.' In the Gastaldo map of 1548 North America is shown as an extension of Asia projecting from that continent at about the 40th parallel; yet the Gulf of California (called the Red Sea) is given, as well as a number of names still existing on the Pacific coast, *e.g.* Guatamala, Panama, Acapulco, Point de Brica, Nicaragua and Tutalepeg (Tehuantepec ?).

Dr. Scaife has a strongly adverse opinion of Americus Vespucius, from which I differ, but this is not the place for controversy. But I do not think it just, when writing of Columbus and Americus, to say: 'The one sought immediate power and wealth, the other sought notoriety with his pen.' I do not know of the existence of any products of the pen of Americus, save two private letters written to personal friends—Medici and

Soderini—and, because of the interest of their contents, given by them to the world.

This book is accompanied by reproductions of ten famous early maps of the new world beginning with Juan de la Coza's map of 1500. Unfortunately the reproductions are in some cases so small or so blurred that, even with a good reading-glass, I am unable to make out the details. Despite these slight drawbacks the book is an able and scholarly work and one likely to be interesting and useful to students as well as to the general reader. WILSON KING.

Abraham Fabert; his Life and Times, 1599–1662. By [the late] GEORGE HOOPER. (London: Longmans & Co. 1892.)

THE career of Fabert is full of interest. A blunt, peppery, outspoken soldier, yet a friend of the king; a loyal adherent of the house of Epernon, yet trusted by Richelieu; an honest man, yet employed and rewarded by Mazarin; a bourgeois by birth, yet a marshal of France; a patriot, even in the days of the Fronde—surely here are contradictions enough to make any one interesting. No wonder Mr. Hooper devoted the last years of his life to the 'setting forth of the merits of the printer's son who became a marshal.' He discharged his task with notable skill and exceptional judgment, bringing in just what is necessary of contemporary history to explain his hero's career, without ever losing sight of him as the central point of his story. His style is clear, incisive, and modest, and he avoids the besetting vice of modern historians—dulness. He does not even consider it beneath the dignity of history to have a sense of humour, and he tells us how Fabert became commandant of Metz in 1633 in consequence of a terrible quarrel which had broken out between the duke of Epernon and the archbishop of Bordeaux, in the progress of which the duke returned the compliment of the archbishop's excommunication by knocking off his hat in the streets and prodding him in the stomach with his cane. The few blunders which remain uncorrected, such as the confusion on page 98 by which Mansfeld is kept alive until 1635 and made an imperialist, are probably owing to the fact that the death of the author occurred before the work had passed through the press.

The historical interest of the book centres mainly round two questions, the organisation of the French army, and the character of Louis XIII. It was only by very slow degrees that the French army passed from the condition of feudal levies into that of a professional army. In the time of Richelieu, when France set herself to cope with the armies of the Empire, Spain, and Bavaria, there was hardly any organisation worth the name. The higher commands were monopolised by the nobility. Fabert himself was the first marshal of France who was not nobly born, and had in consequence to wait many years for that honour. There was no unity of command among the generals. They were rivals, not even colleagues. The engineers and artillery were not organised at all. The supply of gunpowder was the monopoly of a contractor. On campaign the labour required was impressed upon the spot, and the army provisioned itself from hand to mouth as best it could. Some of the

regiments were double the size of others; there was no system of drill common to all, but each was trained according to the caprice of its colonel. The infantry service was much despised, and most of the pikemen were Swiss. But under the pressure of the necessities of war a better system began gradually to be evolved. In 1635 the old feudal levies of the ban and arrière-ban were called out for the last time, and in their place new regular regiments were raised in which the nobles accepted commissions. The court gradually learned to trust its commander-in-chief more thoroughly, and Condé and Turenne exercised an independence wholly unknown to La Valette. The excessive part played by sieges in the warfare of that day brought the skill of the engineer to the front. Fabert himself, who, if he had lived half a century later, would have been distinctly an engineer officer as Vauban or Cohorn was, is said to have been the first to form the attack by regular zigzags and parallels, and to recommend the formation of a corps of engineers, an improvement which was actually carried out by Vauban thirty years later. The heavy armour of the cavalry gradually disappeared before the increased necessities of quick movement. Dragoons, who only wore the casque or pot helmet as a protection from the sword stroke, became more common in order to cope with the Croats and the Hungarian hussars. In the infantry regiments the pikemen became fewer, and the musketeers more numerous; and the great development given in consequence to this arm of the service, especially after the invention of the bayonet, soon raised it to a much more honourable position in popular esteem. But in army organisation as in other things reform moved slowly in France, and it was not till the time of Louvois that France began to assume that superiority to the other European powers in military equipment and organisation with which English writers have been accustomed to credit her.

Mr. Hooper speaks up boldly for Louis XIII. Historians have been accustomed to paint him, he says, 'as a mixture of cipher, idler, and slave, who inherited nothing from his father except his courage.' They have explained his support of Richelieu by the ascendency which a strong character obtains over a weak one, and pointed to his love of sport as a proof of his neglect of politics. But the correspondence of Louis with Richelieu shows that in all the court plots against the cardinal, from that of the Vendômes in 1626 to that of Cinq Mars in 1642, it was the king who interfered to protect and reassure the anxious minister, not the minister who domineered over the king. In military matters his authority was used more directly, for in that sphere of activity he felt himself the cardinal's equal if not his master. This is well illustrated by an event recorded by Mr. Hooper which occurred in 1637. Richelieu and the Père Joseph had sent to Cardinal La Valette, then besieging Cambrai, a charlatan named Vercour, who had a patent of his own for capturing towns without sieges, and had in some extraordinary manner persuaded the minister of its efficacy. La Valette was naturally highly indignant at this interference, and Fabert was sent to represent the absurdity of the plan to the king. Louis heard patiently all he had to say, and sent him with some words of encouragement to explain matters to Richelieu. The cardinal, however, stuck manfully to his protégé, and Père Joseph, losing his temper, rated Fabert soundly on his

impertinence. Fabert, like the blunt hot-tempered soldier he was, saw no way out of the difficulty except by procuring the dismissal of Richelieu, and going straight to the court proceeded to accuse the cardinal of misgovernment and tyranny, and to suggest to the king to strike him down by means of La Valette and his army. Louis listened to him attentively, thanked him for his zeal and loyalty, sent orders to Cambrai to put an end to the projects of Vercour, and took very good care not to breathe a word to the cardinal about the political indiscretion of Fabert, with the result that not three years afterwards Richelieu himself made advances to Fabert, and soon succeeded in enrolling him among the staunchest of the cardinalists. Here is conduct wholly different from that of an idler or a slave. Louis asserts himself directly a crisis arises. He saves the cardinal from a gross military blunder, and Fabert from an equally gross political blunder. The slightest want of tact might have sent Fabert to the scaffold and sown distrust between Richelieu and the army. With characteristic patience and great tenacity Louis evades the difficulties threatened and avails himself of the advantages offered. So it was on the day of Dupes, so it was with the conspiracy of Cinq Mars. When Richelieu had once won the confidence of the king, when Louis had once recognised in his nervous and masterful minister a burning love for France and a willingness to employ his great talents unreservedly in her service, a partnership was established between them highly honourable to both. It was a partnership in which the brilliance and the honours fell mostly to the minister, but it was one which demanded no mean qualities from the king. As Mr. Hooper says, 'it testifies not only to the original perspicacity of the king, but to his iron will and unshaken constancy. Something also to his magnanimity, seeing that the very trials to which he was exposed, the painful struggles he was compelled to endure in defence of his minister, tested his strength of mind to the uttermost; and to his forbearance, because that minister, absorbed in pushing on his stupendous plans, was sometimes irritating, and often exacting in his demands for confidence and power.'

HENRY OFFLEY WAKEMAN.

Memoirs of the Verney Family during the Civil War. By FRANCES PARTHENOPE (LADY) VERNEY. (London: Longmans, Green, & Co. 1892.)

THE Verney papers are already partially known to historians through the volume published by Mr. Bruce for the Camden Society in 1853, and by Mr. Horwood's report on the collection in the seventh report of the Historical Manuscripts Commission. They have also been freely made use of in Mr. Gardiner's recent volumes, sometimes to supply valuable political information, but more often to illustrate the manner in which contemporaries regarded the events of the great civil war, and to show how the revolutions of the times affected the lives of those who passed through them. As an illustration of the general histories of the period and as a supplement to them this history of a single family and its kindred is of unique interest and value. Lady Verney begins by giving an account of the family and its estates during the fifteenth and sixteenth centuries, and then sketches the life of Sir Edmund Verney, and the fortunes of his children and their connexions up to 1650. The materials at her disposal for this

purpose were ample. 'When the present possessor of Claydon, Sir Harry Verney, came to live there, he found a wainscoted gallery at the top of the house forty feet long, full of boxes on tressels containing bundles of letters, acres of parchment charters and pardons with the great seals attached, early editions of plays, account-books, terriers and rent rolls . . . diurnals of the period of the Civil Wars, "newes-letters"—all these were stacked round the room.' Lady Verney computes that up to the death of Sir Ralph Verney in 1696 there are some 30,000 letters. From this overwhelming mass of correspondence she painfully extracted the information which enabled her to draw a series of lifelike portraits of the individual members of the Verney family and their friends.

The head of the family, Sir Edmund Verney, Knight-Marshal to Charles I, followed his master when prince in his journey to Spain, served him against the Scots, and bore the royal standard at Edgehill. Loyalty to the king rather than affection to the cause which the king represented determined his political attitude. As he told Mr. Hyde, 'For my part I do not like the quarrel and do heartily wish the king would yield and consent to what they desire; so that my conscience is only concerned in honour and gratitude to follow my master. I have eaten his bread and served him near thirty years, and will not do so base a thing as to forsake him; and choose rather to lose my life.' Lose his life he did at Edgehill, where he fell by the hand of a gentleman of Essex's body-guard, Lionel Copley, as it is said.

Sir Ralph Verney, Sir Edmund's eldest son, represented Aylesbury in the Long Parliament and took the valuable notes of its proceedings published by the Camden Society in 1845. While his father felt bound in honour to follow his master, Sir Ralph felt bound in conscience to adhere to the parliament. 'Peace and our liberties,' he wrote, 'are the only things we aim at; till we have peace I am sure we can enjoy no liberties, and without our liberties I shall not heartily desire peace' (ii. 89). But conscientious scruples prevented him from being a thorough-going adherent of the parliamentary party. Alone amongst the members who remained at Westminster he refused to take the covenant, was forced to exile himself from England, and to see his estate sequestered. 'For my own part I am resolved,' he said, 'that innocency shall be my guard, and then whatsoever I suffer I can bear without repining' (ii. 169). Of the younger sons Edmund, who served under Ormond in Ireland and was killed at the capture of Drogheda in 1649, was throughout a devoted royalist. His letters to Ralph on the political differences which divided them are of great interest (ii. 136, 137, 141). Henry, the fourth son, also fought for a time on the king's side, but was taken prisoner early in the war, and gave up fighting. His only real interest was sport, and he was never so happy as when he was riding some one's horse for a cup, or watching a race. To future historians of English racing his letters will be of unique value. Tom, the second son, was the rogue of the family. Shipped off to North America or Barbadoes, sometimes in Swedish, sometimes in French service, he always turned up again, with a new list of debts and a demand for a new outfit. As a writer of begging letters he had few equals, and his description of Barbadoes, artistically interspersed with testimonials to himself, is most amusing reading (i. 148). When he could get no more supplies from his family he turned spy and informer. In 1649 he was engaged in a scheme

to trepan Lilburne and promised to bring 3,000 or 4,000 Buckinghamshire men to back him, but honest John told him to his face that he was 'a juggling knave.'[1] He turns up again in 1650 as a witness to prove the Duke of Hamilton's delinquency, but his evidence was excepted against on the ground that it had been bought for 50*l.* and a suit of clothes.[2]

The history of these four brothers is traced and their characters described with the greatest clearness and vividness. The five sisters and their matches and fortunes are treated with the same skill. Of the female characters the most important and attractive is Mary, wife of Sir Ralph Verney, who recalls Mrs. Hutchinson in her courage and devotion, but has nothing of the Puritanical narrowness and priggishness of that excellent person. The numerous portraits by which the book is illustrated deserve special praise. It is gratifying to know that Mrs. Verney, who prepared these volumes for press after Lady Verney's death, has been encouraged by the reception of these volumes to continue the 'Memoirs,' and to complete the story of Sir Ralph Verney's life.

A few minor notes may be added. Dugdale's Diary for 1644 supplies some additional facts about the siege of Hillesden House, and Mr. Sanford prints as an appendix to his 'Sketches and Illustrations of the Great Rebellion,' Sir Samuel Luke's official narrative of its capture. The death of Col. John Denton is described in 'Mercurius Aulicus' for 5 Aug. 1644. It would be interesting to know upon what authority the portrait given in vol. ii. p. 341, is described as Sir George Lisle. It is not in the least like the portrait of Lisle engraved by Vandergucht and given in the illustrated Clarendon of 1717. On the other hand the face very closely resembles the portraits of Richard Cromwell, especially that by Stent.

C. H. Firth.

The Memoirs of James, Marquis of Montrose. By the Rev. George Wishart, D.D. Translated, with Introduction, Notes, Appendices, and the original Latin, by the Rev. Alexander O. Murdoch and H. F. Morland Simpson. (London: Longmans. 1893.)

Such a book as this will be heartily welcomed by all who take an interest in the romantic story of the great marquis. It would have been much if the editors had given us an accurate and readable translation of Wishart's story of the campaigns of 1644–6. This, however, is the least part of the service they have rendered to historical inquirers. Hitherto those who wished to pursue the subject into Montrose's later career have been referred to a narrative of doubtful authorship printed in English in 1652, as a continuation of 'Montrose Redivivus.' The present editors have been the first to publish and to translate Wishart's own continuation, which unfortunately breaks off just as Montrose was beginning his preparations for his descent on the Orkneys. Wishart, indeed, resumed his pen to give an account of the trial and execution of his hero, but here he merely copies from a tract bound up with 'Montrose Redivivus,' with sundry additions and changes of his own, as is duly pointed out in the notes.

The translation itself will probably commend itself to its readers. As

[1] Lilburne's *Preparative to a Hue and Cry after Sir Arthur Haslerig*, 4to, 1649, pp. 10–14; *An Anatomy of Lieut.-Col. Lilburne's Spirit*, p. 11.

[2] *Calendar of the Committee for Compounding*, p. 2426.

far as I have tested it, it accurately conveys the meaning of the original, and it is written with force and vigour which are wholly wanting to its predecessors. If fault is to be found, it is that its style is sometimes too colloquial. Our descendants may perhaps be content to read that certain papers appeared to Charles II 'a bogus contrivance' (p. 288), or that Archibald Johnston, who is described as 'a sour, crazy, sullen fellow,' asked Montrose 'what on earth he was about;' but these expressions certainly jar upon the ears of those who are trained in the literature of the seventeenth century.

More important for the readers of the HISTORICAL REVIEW is the question how the editors have added to our present knowledge. The answer can only be favourable. The notes, with few exceptions, show carefulness, and, what is rarer, judgment, and serve to elucidate, not to overburden the author. Especially admirable is the chapter in which the editors strive to fill up the gap between Montrose's preparations and his capture. Much is done to render Montrose's defeat at Corbiesdale or Carbisdale intelligible by means of local investigations, though the account of the battle is certainly open to criticism in its details. What is more important is that a flood of light is thrown on Montrose's difficulties in organising his expedition by letters preserved in Sweden, in Curland, and elsewhere on the continent. Altogether our knowledge of this part of Montrose's career is considerably advanced by the present publication, though it must be acknowledged that some difficulties, such as the question of the loss of a large number of his troops by shipwreck, still remain unsolved.

The editors, however, doubtless understand the difficulties of historical investigation too well to suppose that their advance is final. It is understood that fresh evidence has come into their hands even during the short interval which has elapsed since the publication of their book, and there is certainly a considerable amount to be found in quarters more accessible to an English than to a Scottish inquirer. They echo, for instance (p. 277), Napier's assertion that the letter read in the Scottish parliament purporting to come from Charles and containing his disavowal of Montrose was a 'base forgery,' but they offer nothing more than general probability in support of their view. It is certainly remarkable that there exists in a contemporary London newspaper an abstract of this letter in which no such disavowal appears; and it is possible that the account given of this letter in Balfour's Annals is an inaccurate, or at least, a one-sided one. Charles might say with truth that as soon as he knew of Montrose's arrival in the Orkneys he had sent to stop him. How much he said beyond the truth we are not in a position to know. The fact is that the whole story of the relations between Charles II and Montrose requires to be retold, and that when the hitherto unnoticed documents bearing on it have been produced it will be seen that the king had from first to last no intention of betraying his most faithful servant.

It would take up too much space to criticise the position taken by the editors in relation to Montrose's opponents such as Argyle and Strachan, but at least it may be asked whether Montrose can fairly be described as 'a leader in constitutional reform' (Preface, xxxviii). Certainly he was not so in the sense in which those words can be used of Pym, or even

of Argyle. The invention by the latter of the reformed lords of Articles whereby the representatives of the barons and burghers were able to hold in check the nobility was a real constitutional reform. Montrose struck at objectionable things, and still more at objectionable persons; but of the constructive ability which makes the constitutional reformer no trace is to be found in his mind.

In a work of this kind, which will deservedly find many readers, it is well to point out a few slips, which a careful student may like to correct. The curious letter in which the prince of Wales refuses on $\frac{23\ Feb.}{5\ Mar.}$ 164$\frac{7}{8}$, to accept the dedication of Wishart's book (p. 7) would gain in point if the reader were informed that Charles was then negotiating with Montrose's enemies the Hamiltons for a descent on Scotland. The Earl of Kinnoul could not in 1645 be sent to be brought up by the sumptuous Earl of Carlisle (p. 63, note 1) who died in 1636. Ashburnham proposed to murder Hammond (p. 191, note 9) at Titchfield, not at Carisbrook. The Archduke Leopold, brother of Ferdinand III (Ferdinand IV is clearly a misprint), was not the same person (p. 192, note 10) as his nephew the Emperor Leopold I. The explanation of a confusion in the text between the Earl of Stamford and Lord Grey of Groby would have been clearer if it had been pointed out not only that Stamford was a Grey, but that Lord Grey of Groby was his eldest son. Cromwell was not recalled from Ireland by a vote of Parliament on 19 Dec. 1649 (p. 291) but on 8 Jan. 1650. 'The shoe sants' of Edinburgh too (p. 301) were 'she-saints,' not cobblers. May it not be supposed that when Maclear addressed a letter to 'my Lord Marquis of Montrose thes Aböord' (p. 285), he merely meant to signify that he was 'aboard,' and not that he was at some undiscoverable Norwegian village?

SAMUEL R. GARDINER.

Survey of the Antiquities of the City of Oxford, composed in 1661–6 *by Anthony Wood.* Edited by ANDREW CLARK, M.A. 2 vols. (Oxford Historical Society. 1889, 1890.)

Oxford City Documents, Financial and Judicial, 1268–1665. Selected and edited by J. E. THOROLD ROGERS, M.A. (Oxford Historical Society. 1891.)

OXFORD is fortunate in having not only an interesting history, amply illustrated by records, but also such careful and diligent students to weave together the scattered record evidence as Brian Twyne and Anthony Wood. The work that Twyne did was prodigious. Belonging to a century that produced such marvels of patient industry as Roger Dodsworth, William Dugdale, and James Torre, he does not fail, even in such a company, to attract our wonder and admiration. His manuscripts were, as these volumes show, ransacked and diligently worked up by Wood, who does not appear, at all events in the 'Survey,' to express fully his obligations to him. But the frequent occurrence of the initials 'B. T.' in the footnotes of these volumes, where his collections are cited sometimes by volumes, and sometimes from their source with a reference to Twyne, proves how very greatly Wood was indebted to him. Mr. Clark suggests, no doubt correctly, that the real merit of Wood's work 'is that he put Twyne's rough materials into shape, and added to them from his own

reading (which was certainly genuine and extensive) in the University archives, and in the Bodleian and College libraries.'

The present edition is based upon Wood's manuscript, now in the Bodleian, and it has been most ably edited by Mr. Clark. He has entered in their places the additions written on the margins, and on inserted slips of paper, which are frequently misplaced in the original, carefully noting in what form the added matter occurs. The use of the work is considerably facilitated by the bold headlines that Mr. Clark has introduced, and generous assistance has been given in the matter of annotation. On the whole the annotation is well done, although sometimes carried to extreme lengths. It is strange to find after '200 li.' and '5 li.' the note '*i.e.* £,' though the necessity for such notes may be justified by Mr. Clark's query whether 'M. li.' (vol. i. p. 25, note 6) means '1,000 £.' The *turbosa prata* is not, as Mr. Clark states (i. p. 51), a mistake for *herbosa*; it means meadows whence *turf* was procured. At p. 498 of vol. i. *sutoria* is, by some slip, explained as 'tailors' quarter' instead of 'shoemakers' row.' There are several errors of Wood's that have escaped Mr. Clark's diligence. At vol. i. p. 241, *pannagium* is an ancient error for *pavagium*, so that the money collected under this grant would be applied to paving and not, as Wood states, to building the town walls. The word *colcestre* (i. 323) is a mistake for *tolcestre*, *i.e.* 'toll-sester' or sextary; and at p. 100 of the same volume, *Ervisii* should be *Ernisii* (Frankish *Ern-gis*, old French *Erneis*). *Corniseria*, given by Wood (i. 483, 485), is a common mistake for *corviseria*,[1] the alternative form given by Wood. A word quite as frequently mistranslated as this is *apothecarius*, the regular medieval Latin word for 'spicer.' By translating this word as 'apothecary,' Wood makes the 'spicery' and the 'apothecary' appear as two distinct portions of the market, and the error is reproduced in Mr. Clark's accompanying map.[2] The *Annales monasterii de Brinton* (i. 235) is obviously a mistake for *Burton*. The bare reference to Twyne at vol. i. p. 146 does not enable one to say what the 'long and tedious suite in the hustings court of Oxon, 10 Edward III, concerning the taking away of an ancient lavatory, *i.e. nannium*,' was about, but Wood's account is wrong on the face of it. As he eaks of 'an *ancient* lavatory,' I have little doubt that the action was one *de vetito* (not *vetero*) *namio*, in which the bailiff's widow is sued for a restitution of a 'forbidden distress' (*namium*) alleged to have been taken by her husband. It is to be regretted that Mr. Clark has not added references to the printed texts of the manuscripts cited by Wood. There are, naturally, many references to the valuable Abingdon history, and to the hundred rolls and other national records, whilst the 'Gesta Stephani' is quoted (i. 240, note 9) simply by the title of Duchesne's collection. We meet with scores of references giving nothing but the number of the volume and page of Twyne's collections, affording no hint of what the ultimate authority is.

[1] By following this common misreading, Mr. Hunt in his 'Bristol' volume of *Historic Towns*, p. 52, derives 'Corn Street' from 'the Cornesers, or corn-dealers.' This is an unfortunate guess at the meaning, which is really 'shoemaker' (Old Fr. *Corvisier*).

[2] The map and error have been adopted from Mr. Clark by Mr. Ogle in his exhaustive article on the Oxford Market in the second series of the *Collectanea* of the Society.

It may be noted with regard to the useful superstition forbidding the entrance of kings into Oxford (i. 234; ii. 130), which is as old as William of Malmesbury ('Gesta Pontificum,' p. 315), that Henry III ignored a similar superstition at Leicester[3] as well as at Oxford. To us it seems curious to read of the existence of a bull-ring on such a busy site as the Carfax, but there was one in the Weekay Market at Nottingham. There could be no ring or enclosure in such positions. Probably a bull-ring was simply a post or ring to which the bull was secured by a chain during the process of baiting. The record of a tavern under the Gild Hall suggests another parallel with Nottingham. If there are many more instances of the existence of taverns under Gild Halls, they might prove that the Gild Halls were originally the feasting or drinking halls of the boroughs, and so support the description by Giraldus Cambrensis of the London *aula publica, quae a potorum conventu nomen accepit.*[4] There are several instances of the phrase 'to drink the gild merchant,' so that *gild* may have developed in meaning exactly like the German *zeche*. Mr. Clark does not appear to understand the note at vol. i. page 63: 'The streets quite spoiled by suffering langables to be put out; and after that [they] build the forefront of their houses on them; and, after that, put out langables again: so that in time, if not prevented, the street will [be] stopt up.' The editor merely adds a note that 'langable' means an encroachment on a street. But Wood clearly means by 'langable' the projecting upper stories of a house, and he is referring to an abuse that was constantly narrowing the streets of our old towns. When one of the houses with its overhanging stories became old and liable to fall, it was usual to shore it up by building a wall from the street up to the projecting stories, thus bringing forward the street-line by the depth of the projection. When the house was rebuilt, the wall thus added was taken as the street-line and the stories projected beyond it. Thus every time a house was rebuilt 18 inches or 2 feet were taken from the street. There are still in existence hundreds of old houses that record such encroachments by the original corner-posts being half buried in a brick or timber wall subsequently built out level with the face of the overhanging stories. This process, being in irregular operation, has caused the building lines of streets in old towns to become very uneven.

The volume of 'City Documents' contains, as we learn from the preface, 'probably the last contribution of Thorold Rogers to the cause of research for which he had done so much.' It is a disagreeable task to have to speak slightingly of a work executed under the shadow of death, but as it is practically the commencement of the printing of the voluminous collections of Brian Twyne, the task must be faced, for the text is as unsatisfactory as the editing is incompetent. The first 141 pages of the volume are filled with poll tax and hearth tax returns for Oxford, and with a calendar of Oxford subsidy rolls. All these are derived from the Public Record Office, and it would have been better if that repertory had furnished the text of the next section, entitled 'Judicial Procedure.' The coroner's inquisitions Nos. 9 to 17 are derived from a portion of the

[3] Rishanger, *Chronicle of the Barons' Wars*, p. 26; Thomas Wykes (*Annales Monastici*, iv.) p. 146.

[4] *Opera*, iv. 404.

coroner's roll in the Bodleian, whilst the other inquisitions and proceedings in the eyre of 1295 are taken from Twyne's transcript. The editor was aware that Twyne copied from 'the records in the Tower,' but he did not, even in corrupt passages, look at the original manuscripts, now in the Record Office. At p. 145 we have the general statement that 'not a few of the documents which he [Twyne] handled in the national collection have perished or become illegible.' If this be intended as an excuse for not using the originals, it is a very unfortunate one, for it cannot be said that they have perished or become in the least illegible. It may be affirmed with safety that sixteenth or seventeenth century antiquaries were not capable of copying a manuscript accurately, possibly because they had no such reverence for the manuscripts as modern editors usually have. It is very unfortunate, therefore, that the Oxford Historical Society should print Twyne's transcripts when they could print at no greater expense from the original rolls. The coroner's roll and the inquisitions at pp. 150, 174 exist in the Record Office ('Coroner's Roll, No. 128'), whilst the plea roll at page 194 is represented by no less than seven exemplars ('Assize Rolls, Nos. 704 to 710'). The last is the one copied by Twyne, and it has not the merit of being the best roll, for it occasionally omits a word or passage. To produce a satisfactory text, it would be necessary to collate all these rolls, for they are not absolutely contemporaneous, since one justice's roll was necessarily copied to a large extent from another's. For instance, No. 709 says that *quidam ignotus posuit se in ecclesiam Beatae Mariae*: by the time this was copied into No. 710 it had been discovered that his name was Thomas de Godestowe (p. 198, No. 17). At p. 198, Nos. 19 and 20, the *plegii de prosequendo*, William le Hore and Ralph le Wal, are converted, by erroneous division, into defendants in the next case. But the next case is really a continuation of the proceedings, for the *Ricardus et Valentinus*, who are so strangely coupled with the plaintiff's sureties, are Richard de Tangele and Valentine de Tangele, and are the *Ricardum de Valentinia* of the text, Twyne having merged them into one person by misreading *praedictos* as *praedicto*. Errors abound in the personal names. Thus *de Candene* (No. 23) is *de Candevere*; *de Ebsofend* (No. 113) is *Elsefeud* (=Elsfield); *de Ethymbar* (No. 61) is *de Columbar*[*iis*]; *Oyfrewast* (No. 218) is *Cyfrewast*. These are simply a few readings that I have compared with the rolls, being induced to do so by their obviously corrupt forms in the printed text. It is evident that neither Twyne nor the editor had any knowledge of medieval legal procedure. A slight acquaintance with the language of the law records would have enabled them to correct such blunders as the following: page 198, *Et ut sciatur quales liberari debent episcopo, narratur rei veritas per patriam*, for *et ut sciatur qualiter deliberare debeant episcopo, inquiratur rei veritas*, &c. At page 229 we read: *consideratum est quod vades ei legem de xii. marcis;* upon which the editor remarks that it 'appears to mean that John Morsh [*read* Merse] denies that he became security for debt or deposit, and that he had, before going to trial, to give security to the extent of twelve marks.' What would Professor Maitland say to this? Of course the reading is *vadiat se xii. manu*, *i.e.* the defendant is ordered to clear himself with twelve compurgators. The common phrase *Ideo exigatur* (let him be exacted, *i.e.* demanded to appear before outlawry be

pronounced upon him) is always printed *Ideo extra ; waiver* is given as *wayner* (p. 202) ; and the phrase *habeant cyrographum* (meaning that the parties to the suit shall have an indenture recording the conditions upon which they agreed to settle the suit by license of the court) is rendered into the nonsensical *habent Eyrum, habent Oyrum*, which have arisen through misreading the capital of *Cyrum*, the abbreviation for *cyrographum*.

When an editor who is so thoroughly ignorant of the procedure as these pages show the late professor to have been comments upon the legal usages of the period, as he does in the prefatory note, it is natural that he should make some absurd blunders. It is interesting to learn (p. 182) that 'the action of the Eyre . . . . is somewhat similar to that which is now exercised by a grand jury'; that *namium vetitum* (p. 187) 'is a right of compensation for the seizure of cattle on the ground of trespass or damage'; and that *arrentatio* (p. 190) was the technical name for a royal license condoning an encroachment. We are told, with laudable caution, that 'it appears the coroners were bound' to do certain things, as if there were any doubt about their duties. The editor clearly knew nothing of the statute *de Coronatoribus*. In the same manner he reconstructs inferentially the duties of various officers at the eyre, and the list of matters to be inquired into, in blissful ignorance of the existence of the *Capitula Itineris* and other literature of the eyres. Bracton was clearly to him 'unknowe.' One would hardly suspect that the 'officer in the king's service' who 'informs' the justices of certain things is that august personage, the king's sergeant-at-law, *serviens regis ad negotia sua prosequenda et defendenda*. At p. 189 we are gravely told that 'a person who finds the body [of a murdered man] makes his appearance, and gets hanged by the judges of gaol delivery; why, the document does not say.' An editor acquainted with the method of keeping these rolls would have known that the *suspensus est* (p. 218) refers, as common sense requires, to the murderer. As a matter of fact the *primus inventor* died before the proceedings here recorded, the *venit* of Twyne's roll being a mistake for *obiit*. The editor remarks (p. 190) that a man is fined for taking 'money from jurors, for giving them notice of their assize, and (apparently) their liability to serve.' In other words, the jurors bribed him to do his duty, and he was amerced for doing it. The case is No. 93, and the words *pro iuratoribus admonendis de iuratoribus et assisis* are misread and wrongly extended for *pro iuratoribus ammovendis de iuratis et assisis*. Thus the officer was really fined for taking bribes to exempt jurors from serving. This is not the only instance in which Twyne and the editor fall into the pitfalls caused by the use of *iur'* for *iuratus, iurator*, and *iurata*.

These early eyre rolls contain such invaluable and interesting matter, giving us glimpses of the everyday life and manners of the people that cannot be obtained from any other sources, and they have been withal so little worked at, that it is a matter of deep regret when one of them is printed in a mangled and inaccurate manner. For this is not a copy of the rolls; it is only a series of extracts made by Twyne. I have not collated the rolls with the present text, but I can affirm that they contain many entries of greater interest than some of those selected by Twyne. And the same remark may be made about the coroner's roll. The Record

Office possesses no less than eight rolls of crown pleas, assizes, and gaol deliveries for the borough and county of Oxford of the reign of Henry III, which we may hope that the Oxford Historical Society may some day make available for the study of history and law. If they do so, care must be taken to procure a competent editor, for there are few classes of records that are so difficult to edit. The editor of the present volume had been working for many years at manuscripts of this period, and was nevertheless incompetent to edit these legal proceedings. It must be borne in mind that a knowledge of Latin, and an ability to read medieval handwriting, by no means render a man capable of editing legal records.

The volume also contains some papers relating to the fray on St. Scholastica's day, taken also from Twyne's transcripts, although some of them occur on the patent, close, and charter rolls, papers relating to the quarrel about the city mills, and some other local papers, and the accounts of the building of the tower and walls of New College, and the tower of Merton College; the latter is reprinted from the editor's 'History of Agriculture and Prices.' In the customs to be taken for murage at p. 304, the following corrections should be made: for *cavenati* read *canevasi* (canvas); for *sauntez* read *samitez*; for *wande* read *waude* (woad); for *shams* read *shavis*; for *clatorum* read *clutorum*. Here, again, the enrolment might have been found on the patent roll with little trouble. A word should be said for the excellent index, and for the lists of jurors, tradesmen, &c., and the 'Oxford Directory' at five dates derived from subsidy rolls, &c. This admirable work has been compiled by Mr. George Parker, who has corrected in the index many blunders in the names given in the text. W. H. Stevenson.

Die Geschichte von Graubünden in ihren Hauptzügen. Von P. C. Planta. (Bern: K. J. Wyss. 1892.)
Die Familie von Salis. Von P. Nicolaus von Salis-Soglio. (Lindau i. B.: J. T. Stettner. 1891.)
Chronik der Familie von Planta. Von P. von Planta. (Zürich: Orell Füssli. 1892.)

Side by side with the Swiss confederation there grew up two sister confederations—those of the Vallais and of the Three Leagues of Raetia—which, though bound to it by many and close ties, did not become part of Switzerland till the beginning of the present century. The case of the Raetian confederation is complicated by the fact that it was itself the union of three leagues, the relations of which are even harder to unravel than those of the Raetian confederation to the Swiss confederation. We are apt too to look at Raetian affairs as simply part of, or as an appendix to, Swiss history. This is perhaps due to the fact that till the publication of the first book on our list there was absolutely no recent and trustworthy history of the Raetian leagues, for Moor's great history has been to a large extent rendered obsolete by the monographs and researches of later writers. Herr von Planta is the author of a work on ancient Raetia, and also of a wonderfully minute and accurate book on Raetia in feudal times, when it was parcelled out amongst an incredible number of small lords. He has now presented historical students with an admirable sketch of

Raetia and its leagues till they became part of the Swiss confederation in 1803. It is very concise, but extremely clear, while, though no references are given, one feels that one can implicitly rely on the author's full and exhaustive knowledge of his subject. A map of feudal Raetia, reproduced from his earlier work, is a useful feature of a very useful volume. Those who wish to go deeper into Raetian matters may care to know the titles of two recent histories of the two great families, the rivalry of which, from the sixteenth to the eighteenth century, forms the chief part of Raetian history. The Salis history seems the best done, and contains many genealogies, which are lacking in the Planta volume; the Planta book, on the other hand, is far more detailed. Both are written by members of the respective families, and in each the family history is interwoven with the general history of Raetia.

W. A. B. Coolidge.

The Life of George Mason. By Kate Mason Rowland. (New York and London: G. P. Putnam's Sons. 1892.)

The subject of this book was a rich Virginian planter who was born in 1725 and died in 1792. As a member of the Virginia assembly he played a part of some importance in the War of Independence. He figured yet more prominently in a field which gave fuller scope for his special powers as a creator and critic of institutions in the federal convention of 1787, and in the Virginia convention which in the next year discussed and at length accepted the federal constitution.

The book begins with a somewhat unnecessarily full sketch of Mason's grandfather, Captain George Mason, who played a leading part in Virginian politics during those stirring years which followed the Restoration. He seems, however, to have been but a spectator in the most important matter of all, the rebellion of 1676—the prototype, as the writer with no very obvious reason calls it, of the American rebellion of the next century. This introductory portion of the book is somewhat disproportionate, but as a compensation it throws much light of a very interesting kind on the social and economic condition of Virginia while yet a British dependency. A manuscript written by Mason's son gives a vivid feature of a great Virginian plantation in the middle of the last century.

The family home, Gunston Hall, had much of the dignity of an English manor house, with its elaborately planted avenues, its garden and deer park. But the industrial machinery was far more complex than that of an English estate. 'My father,' says John Mason (i. 101), 'had among his slaves carpenters, coopers, sawyers, blacksmiths, tanners, curriers, shoemakers, spinners, weavers and knitters, and even a distiller.' All told, these made up an industrial population of five hundred, and the whole concern was managed by George Mason and his sons without agent or overseer. The work of superintendence was in part delegated to 'trusty slaves.' One can easily see that the mischief of slavery would be modified to an extent which would disguise its essential evils, moral and economical. One can see too how valuable the plantation system was as a training for public life. If the planter was to keep his head above water at all, he had

to be at once the manager of a factory and the ruler of a commonwealth. It reminds one too how hopeless a task the mother country had set herself in the attempt to subdue the colonies. A community thus organised could only be held in subjection either by the occupation of an overwhelming force or the hideous resource of a servile war. Towns were, as the author points out, superfluous when all necessaries were produced at home and all luxuries imported from over seas, and where every plantation had its own landing wharf.

It is no wonder that a man of Mason's industry and ability throve in competition with his neighbours, and left to his children seventy-five thousand acres, and over a hundred thousand dollars' worth of personalty. We may be sure, too, that such a system must have weeded out the thriftless and incapable, and that land must have changed hands easily and often. We see a trace of this in a letter written by Washington in 1769, on the question of non-importation. Political motives apart, many, he says, would welcome the system as giving pretext and opportunity for retrenchment. 'That many families are reduced almost, if not quite, to penury and want by the low ebb of their fortunes, and that estates are daily selling for the discharge of debts, the public papers furnish too many melancholy proofs' (i. 138–41).

Mason's frugal temper and aptitude for business made him in private life other than a typical Virginian planter. But as a politician one may fairly say that he belonged to a class of which a landed aristocracy is specially fertile. He had much in common with the Hampdens and Eliots of the seventeenth century, the Saviles and Windhams of the eighteenth. Their assured position, their temper, their self-respect saves them from the temptations of the place-hunter and the political gamester. A public career is but one incident in their ideal of life. They will usually be among the opponents of arbitrary power, not from any passionate sympathy with human freedom, but from a sense of their own importance and that of their order, and from the guidance of a critical intellect.

Mason, however, is not a character to be disposed of by generalities. He had, I think, imperfections and limitations that his biographer overlooks. She quotes with approval a statement that in 1788 he stood in the opinion of his Virginian contemporaries higher than Washington. If so, all the worse for their judgment. Yet one can well understand that Mason occupied a unique position in the eyes of his own generation. He was, in a sense, a practical politician. He had, that is to say, perfectly definite opinions on most of the great questions which divided his contemporaries. He never shrank from declaring those opinions, and in declaring them he showed conspicuous power as a debater and an advocate. Yet he seems to have held aloof from practical politics, as the term is usually understood. He had no ambition, and, as far as one can judge, no aptitude as an organiser. The practical details of those processes by which abstract theories are embodied in laws or in party creeds do not seem to have interested or concerned him. He was like a theorist who works out the strategy of a campaign in his cabinet without troubling about questions of commissariat or ordnance. Such an attitude has its own strength. He who occupies it may in some great crisis, when his

convictions are identical with the working creed of a party, strike in with a weight and effect almost denied to the everyday party advocate. But, on the other hand, he is liable to distort, to imagine, to invent the principles of human nature on which his theories rest. In Mason we see both the strength and weakness of the position. Of his contemporaries one only, his great opponent, Hamilton, had a conception of the federal constitution so complete, precise, and well rounded. And if Mason's triumph as an advocate was deferred, yet in all likelihood few men—first among which few we must put the federalist leader, John Adams—could claim a larger share in the ultimate overthrow of federalism. Yet we constantly feel that while his conclusions follow a perfect logical sequence from his premises, these premises have little relation to the working parts of human nature.

The life of Mason as a public man falls into two distinct sections, one coinciding with the War of Independence, the other with the formation of the federal constitution.

In the War of Independence Mason played no very conspicuous part. He never served in the national congress, confining himself, as did other able and eminent men, to the assembly of his own state. His biographer seems to make out a good case for the contention that the new constitution of Virginia as a state independent of Great Britain was, together with the Bill of Rights which preceded it, drafted by Mason. The task undoubtedly suited Mason's special powers and habit of mind. The Bill of Rights was a clear, well-expressed declaration of certain broad *à priori* doctrines of human freedom which were then in the air. A writer, quoted in this life with approval, contrasts Mason's Bill of Rights with earlier documents such as Magna Charta or the English Bill of Rights. They, he says, are 'contracts with nobility and royalty, compromises with despotism, in which the voice of the people is heard in a tone of disturbed supplication and prayer. But in this declaration of Mason's man seems to stand erect on all the majesty of his nature to assert the inalienable rights and equality with which he has been endowed by his Creator, and to declare the fundamental principles by which all rulers should be controlled, and in which all governments should rest' (i. 247). Some will think that it is a harder task to formulate limited and concrete demands than to declare abstract principles whose value lies in their application.

The whole character of Mason's Bill of Rights is unhistorical. That office should not be hereditary, that 'trial by jury ought to be held sacred,' that in all cases the military should be under strict subordination to the civil power, and other well-rounded generalities of the like type are stated as if they were eternal truths for all time. In one article there is an heroic bound from a general premise to a special application. It sets forth 'that the people have a right to uniform government, and *therefore* that no government separate from, or independent of, the government of Virginia ought to be created or established within the limits thereof,' One naturally asks how the general principle of uniformity carries with it the acceptance of any special area as the unit of government. The reasoning would have been as good as if 'the British empire' on the one side or James County on the other, had been substituted for Virginia. In real truth Mason was yielding to the temptation which in all ages has

beset those who aim at being political philosophers and men of affairs. He was starting from a practical conclusion, and inventing an abstract proposition to cover it.

There is nothing in the letters preserved by Mason's biographer which shows any specially clear perception of the living forces which were at work in the revolution. At the outset of the struggle he expressed himself emphatically as to the absence of any wish for independence, and the improbability of such a wish arising. So had many of his contemporaries, but few put it as strongly. In 1770 he wrote (i. 150): 'There are not five men of sense in America who would accept of independence if it was offered.'

Mason's views on slavery were those which seem to have been held by most leading Virginians of the revolutionary epoch. He does not seem to have been troubled by the incompatibility of negro slavery with his abstract doctrines of human equality. But, like Washington, he clearly saw its practical evils. His biographer rather understates the case when he says (i. 227): 'There was no question then as to its righteousness, but among many thoughtful minds there was much doubt as to its expediency.' That understates Mason's attitude. When at a later day the federal constitution was being fashioned and the question of slavery came up, Mason denounced it in language sober indeed and unrhetorical but full of weight. 'Slavery discourages arts and manufactures. The poor despise labour when performed by slaves. They prevent an emigration of whites who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. He held it essential in every point of view that the general government should have power to prevent the increase of slavery.' That declaration from so vehement a champion of states' rights as Mason, was the strongest proof of the strength of his convictions. He was plainly of that school who saw the slave question looming ahead full of danger to the republic, but who, baffled in all attempts at reform by the violence of extreme men on each side, gave up the problem in despair.

Mason's chief contribution to the controversial literature of the revolution was a letter written in 1766 to the committee of merchants in London (i. 381). He there avoids any abstract declaration of right and is practically at one with Burke. 'We do not,' he says, 'deny the supreme authority of Great Britain over her colonies; but it is a power which a wise legislature will exercise with extreme tenderness and caution.' For the work of so astute a reasoner this letter contains a curious fallacy. Mason argues that if the debtor in America is unable to pay his English creditor, not only will that creditor lose, but a whole chain of creditors. They would in his words 'overturn one another like a set of ninepins.' He forgets that if one creditor can pass his loss on to the next, he himself at least escapes.

The formation of the federal constitution gave Mason a field suited to his special powers. His dread of a strong central government was formed and clearly expressed some four years before the convention met. Even that 'rope of sand,' the revolutionary congress, was apparently too strong for his taste. His biographer is probably correct in ascribing to

him a paper of instructions issued to the two representatives of Fairfax county in the Virginia assembly (ii. 48). It protests against the doctrine that the central government may levy taxes. The arguments brought forward to justify it would, the writer says, go far to justify the policy of George III and Grenville.

Throughout the Philadelphia convention Mason was the watchful opponent of every attempt to aggrandise the central government at the expense of the states. His views on this matter rested on much the same foundation as those of Jefferson. He was the Virginia planter proud of the old dominion, loving it in his heart better than the union, dreading and distrusting the influence of New England merchants. He was also, though no doubt less consciously than Jefferson, the disciple of Rousseau, filled with vague unhistorical conceptions of the rights of man and the tyranny of governments. It never seems to have entered into Mason's mind that the conditions of life in the New World disposed of the old dangers and created a set of new ones. His mind was filled with the old bugbears of monarchical authority and standing armies; he wholly overlooked the overwhelming power of public opinion in a community where all were equal, not by the decree of man, but by the conditions of nature.

Mason and his allies were beaten alike in the Philadelphia convention and in that of his own state for the ratification and acceptance of the constitution. But their anti-federal views, modified indeed to some extent by practical necessities, won a complete though tardy triumph. That triumph was due fully as much to the errors of the federalists as to the wisdom or tactical skill of their opponents. Yet we cannot doubt that the advocacy of Mason had a large share in bringing about the final victory of the democrats. To Jefferson, as the mouthpiece of anti-federal doctrine to the nation at large, and as the leader and organiser of the party, belongs the chief credit of the victory. But we may be sure that Mason's sober, well-reasoned, unimpassioned pleading, his *mitis sapientia*, told with many who would have been repelled by Jefferson's blustering nonsense about the tree of liberty and the blood of tyrants. The anti-federal creed had not only to win the masses, it had to disarm the suspicions of Virginian aristocrats, of the wealthy merchants of the middle states, of New Englanders, such as Pickering, in whom much of the Puritan spirit yet lingered. To such Jefferson was but a reckless *sans-culotte*. Who could dread anything revolutionary in democratic doctrine when it was preached by the wealthy planter, bound by no party obligations, wholly detached from the strife of wire-pullers and place-hunters, emerging from his studious leisure to apply his political philosophy to affairs? From that point of view the position which this book assigns to Mason among American public men is hardly beyond his deserts.

JOHN A. DOYLE.

The Campaign of Waterloo. By JOHN CODMAN ROPES. (London: G. P. Putnam's Sons. 1893.)

UPON general grounds much may be said in favour of the presumption that military history cannot be properly written except by military men. Yet every now and then appears a book which proves that this, like other

presumptions, is not absolute. Among such books must be placed this volume on the campaign of Waterloo. Mr. Ropes has made himself master of the copious literature (most of it written by distinguished soldiers) which has been devoted to the Waterloo campaign. He has brought to bear upon that literature a calm judicial temper, easier, no doubt, to an American than to a member of any of the nations which partook in the great struggle; a power of weighing evidence and of allowing for the inaccuracy or prejudice of even the most competent witnesses; a fine art of marshalling facts; and a pellucid style through which the facts appear in their just proportion.

He has framed his work on a plan which suits it to the comprehension alike of expert and of inexpert readers, throwing the discussion of disputed questions into notes at the end of each chapter or into appendices. A map of the country in which the campaign took place, another of the battlefield of Waterloo, and a list of authorities, modestly termed partial although extending to upwards of ninety items, enhance the usefulness of Mr. Ropes' history. A complete atlas of maps illustrating the campaign is published separately.

In estimating the position of the antagonists when the campaign began, Mr. Ropes points out that the French army was no longer such a perfect instrument as in some of Napoleon's earlier campaigns. It was, indeed, largely composed of veterans returned to France by the peace of 1814. But the reorganisation of the army by the restored Bourbon government had lessened its efficiency for Napoleon's purposes. Time, success, and luxury had abated the warlike efficiency of its chiefs. Nor did Napoleon make the best use of the generals available. Soult, who had so often held a separate command, was appointed to the office of chief of the staff, for which he was necessarily somewhat unsuited. Grouchy, a man not remarkable for ability or experience, was made a marshal and entrusted with tasks beyond his power. Davoust, a general inferior to none, was left useless at Paris. On the other hand Mr. Ropes treats as at least exaggerated the familiar story of Napoleon's physical decay. He shows that Napoleon's personal activity in the campaign, if not equal to old performances, was as much as could be expected in a man of forty-six and would have been deemed remarkable in any other general. Napoleon's plan of campaign, according to Mr. Ropes, has been often misunderstood. It has been said that he meant to thrust himself between the Prussians and the Anglo-Dutch, so as to defeat them separately. It would be more correct to say that he aimed at defeating the Prussians first in order that he might separate them from the Anglo-Dutch. The Prussians lay nearer to the French frontier, and the boiling ardour of Blücher was more easily provoked to fight than the calm prudence of Wellington. Oddly enough, the two generals had made no concerted arrangement for the case of an attack by the French, although they had agreed upon the proper steps in the case of an invasion of France.

The passage of the Sambre by the French army was effected on 15 June with entire success, except that the 1st corps commanded by Count d'Erlon was lagging behind. Hence some delay in the operations on the following day; for Napoleon would not assail the Prussians

at Ligny until Ney was in a position to attack the Anglo-Dutch at Quatre Bras. Mr. Ropes argues with great ability that Napoleon at Ligny was quite equal to himself, both in the general conception of the battle and in its execution. But Ney, he considers, made grave mistakes at Quatre Bras. He had a fine opportunity. For the Prussians, according to Mr. Ropes, had resolved to fight at Ligny without any definite assurance of help from Wellington, who took no steps to concentrate his army at Quatre Bras until the morning of 16 June. Thus for some time Quatre Bras was not occupied in force, and reinforcements came up at considerable intervals. Had Ney at once assembled all the troops placed under his command and fallen promptly on Quatre Bras, the Anglo-Dutch must have been driven out and badly beaten. As it was, the 1st corps came up late and was diverted towards St. Amand, where its appearance served to embarrass Napoleon, who could not tell whether they were friends or foes, and thus delayed his final stroke in the battle of Ligny. On the 17th both Ney and Napoleon were wanting to the occasion. Ney did nothing all the morning, and allowed the English to evacuate Quatre Bras. Napoleon, overcome with fatigue, also did nothing for some hours. In the afternoon he arrived on the scene of action, saw how much had been left undone, and pressed our retreat with fury. But he had committed another grave mistake in sending Grouchy to pursue the Prussians with *verbal* orders which implied that they had retired towards their base, the fortress of Namur, forgetting that they might have gone the other way to reinforce Wellington. Later in the day Napoleon received information which suggested this contingency, and he then sent to Grouchy *written* orders which, if fulfilled in the spirit rather than the letter, might have been adequate to the occasion. These orders, according to Mr. Ropes, were suppressed by Grouchy in his account of the campaign, so as to transfer the main reproach of failure from himself to Napoleon. He behaved throughout with a slackness and a want of initiative which proved how mistaken Napoleon had been in trusting him so deeply.

Mr. Ropes points out that Wellington's resolution to stand and fight at Waterloo with an army inferior in numbers, in coherence, and in artillery to the French army could only have been justified by the confident hope of Prussian help. He accepts the story of Wellington having ridden alone to Wavre on the night of the 17th to see Blücher and to concert measures with him. It is curious to note the strength of the reasons both for believing and for disbelieving this simple story. Mr. Ropes does full justice to Wellington's skill in marshalling his army, and to his courage and conduct throughout the battle. He points out the grave errors committed by Napoleon in not sending more frequent instructions to Grouchy, and in delaying his attack on the English till noon, as though he had nothing to fear from the hourly approach of the Prussians. He gives reasons for thinking that the actual battle was waged with very little skill by the French. Hougoumont was assailed in a way at once wasteful and ineffectual. Too little use was made of their superiority in artillery. The formation adopted in the grand attack of Erlon's corps on the English line was so clumsy as greatly to increase the slaughter. For what was done subsequently, Ney rather than Napoleon was responsible. Napoleon left the battle with the English to

head the resistance against the Prussian advance. He was justified in so doing, for if the Prussians were not driven back, he was undone, whilst the English, even if they held their ground, would be too weak to force the French position. Had Grouchy, when first he heard the sound of the cannon at Waterloo, marched straight in that direction as Gérard advised, he would Mr. Ropes thinks, have retarded the Prussians for the rest of the day, and the English would have been overwhelmed.

F. C. MONTAGUE.

Historical and descriptive Account of the Island of Cape Breton. By J. G. BOURINOT, C.M.G., LL.D., D.C.L. (Montreal: W. Foster Brown & Co. 1892.)

THIS very complete book contains a narrative of the past, and a description of the present of Cape Breton Island. The text is supplemented by numerous notes and appendices of great value to students of American history, and it is illustrated by various maps and plates. It would have been well if a good modern map of the island had been added, for the benefit of readers to whom Cape Breton is a little-known corner of British North America. Of Dr. Bourinot's qualifications for writing on this subject it is superfluous to speak.

The history of Cape Breton may almost be said to be in miniature the history of North America. Nearly all the elements which made up the story of the whole are to be found also in the story of this one small part. One of its capes was possibly the landfall of the Cabots. Its name recalls the Breton sailors of St. Malo, unless we adopt the alternative theory mentioned by Dr. Bourinot, and believe that it was christened by the Basques after a headland on the south-western [1] coast of France. It was connected with Newfoundland and the cod-fisheries. It was connected with, if not included in, Acadia, and the author tells us that there are now fourteen thousand or more French Acadians in the island. On the other hand, it fell within the limits of the first patent of Nova Scotia; and, at the close of the last and the beginning of the present century, so large was the Scotch immigration, that 'Cape Breton from that time was no longer a French, but a Scotch colony' (p. 84). It was one of the outposts of the St. Lawrence and of New France. Its fortress of Louisbourg was taken by New England colonists. Restored to France by the British government, retaken, and kept, it proved its title to be a British colony by the usual squabbles between governors and councils, and by remonstrances against union with Nova Scotia, which took place in 1820. A petition for separation from Nova Scotia was referred to and rejected by the judicial committee of the privy council as late as 1846, and the despatch which communicated the decision to the colony was signed by Mr. Gladstone, then colonial secretary.

Several great names occur in the history of Cape Breton, notably that of Wolfe, who, in the final taking of Louisbourg by the English 'distinguished himself from the beginning to the end of the siege, and was the soul and impulse of the enterprise' (p. 75). Cook, it seems, served

[1] On p. 13 'south-eastern' is written by a slip of the pen.

at the same siege; and, some years later, in 1781, the famous French seaman, La Pérouse, was engaged in a sea-fight off Sydney harbour. But whatever men of renown visited Cape Breton in peace or war, and however striking were the two sieges of Louisbourg, the main feature of the history of Cape Breton in past centuries, as indeed of North America generally, is the extraordinary blunders which were made by English and French alike. In their dealings with the French in North America, the British government always seem to have almost been at pains to invite new disputes and to sow the seeds of future wars. From the treaty of Utrecht dates the interminable wrangle over the Newfoundland fisheries. That same treaty left Cape Breton to France, while assigning Acadia to Great Britain, instead of giving both to either the one or the other of the two rival nations. In the negotiations preliminary to the treaty, the English appear to have made the fatuous suggestion that Cape Breton should be held in common by both powers, although experience of joint occupatior in Newfoundland might surely have precluded any such proposal. The French, however, demanded and were given full and sole sovereignty of the island, which, thenceforward, under the name of Ile Royale, 'commenced to be an influential factor in the affairs of New France' (p. 21), Louisbourg being fortified, and becoming a standing menace to the English both in Newfoundland and in the New England colonies. Neglected by the home government, the Puritans of New England helped themselves, and in 1745 besieged and took Louisbourg. The expedition, though backed by an English squadron, was composed entirely of colonial levies, mainly from Massachusetts; it was designed and carried out by colonists, and its commander, Pepperell, was from the border district of Maine. 'The success of the enterprise from its beginning to its end must be attributed to the energy and daring of the colonists, and no English statesman ventured to suggest it' (p. 37). What the British government did was to give back Cape Breton and Louisbourg to France three years later, in 1748, to deprive the New Englanders of the fruits of their energy and daring, and once more to expose them to French attack, until in 1758 Louisbourg fell again and finally into English hands.

But if the English blundered badly in America, the French blundered worse; or rather it may be said that corruption and dissensions among the French officials, the result of a corrupt government at home, betrayed and ruined the interests of France. So much may be learnt from Dr. Bourinot's narrative, as well as from the volumes of Mr. Parkman's series. Even, however, if the representatives of France had all possessed the high character and the skill of Montcalm, it is difficult to believe that the issue of the struggle would in the long run have been different. The English colonised America in a sense in which the French never did. They had numbers on their side; they had, to quote Dr. Bourinot's words (p. 61), 'the great current of active thought and enterprise which developes a nation.' These characteristics and qualities were wanting to the French. They took the Old World into the New; they perpetuated and stereotyped it. They had policy, they had organisation, they had chivalry; but, before they lost America, their system had become an anachronism. America was not the land for a feudal system, or for political or religious despotism; and the flowing tide was with the English, because, with all

their faults, they were, what the French were not, Americans—in and of the New World.

Dr. Bourinot's book has left little or nothing more to be told of Cape Breton by future writers. Indeed, it is rather overladen with details, and would perhaps have been more attractive, if some of the learning embodied in the main text had swelled instead the notes and the appendices. The author's assertion (p. 15) that Sir Humphrey Gilbert's expedition to Newfoundland had no other results than Gilbert's death and 'a barren assertion of a claim of sovereignty' is open to question; and he makes an amusing slip of the pen, when (p. 83) he speaks of 'the famous agitator, David Hume.' Verily, a generation has arisen which knows not Joseph. C. P. Lucas.

Histoire Parlementaire de la Seconde République; suivie d'une petite Histoire du Second Empire. Par Eugène Spuller, Député. (Paris: Felix Alcan. 1891.)

M. Spuller writes as a politician for politicians. The object of his book is, he himself tells us, not purely historical. He hopes, by pointing out the errors and mistakes made in 1848, to guard the republicans against a similar failure in the future. It follows that the chief interest of the work lies in the criticism on men and actions, and English students of French history will find much to learn from his account of the most remarkable period of French history. The book was conceived, and some of it was written and published in 1869, when the writer was associated with Gambetta in his attack on the Empire. To this period especially belongs 'The Short History of the Second Empire,' which is added at the end; this is in consequence nothing but an eloquent party pamphlet, the only value of which is that it recalls to the reader the struggles and hopes of the time. In the 'History of the Second Republic' the judgment is more mature, and the history more complete, though here the author confines himself entirely to the history of the constituent and legislative assemblies. This is not the place to enter into a discussion on the various political questions that are raised; it will be enough to say that M. Spuller, a thorough follower of Gambetta, sees in the adoption of universal suffrage the one solution to all political difficulties. In praise of universal suffrage he uses his fieriest eloquence, and in the departure from a loyal adherence to this principle he sees the cause for the ruin of the Republic. Politically, the most interesting part is the criticism of the socialist party, and his discussion of the causes that led to the insurrection of June. Socialism he regards as impossible, because in a government of universal suffrage a majority must always decide, and the workmen in factories are a minority. The bourgeois and the peasants form a majority bound to maintenance of the social order. *L'établissement du suffrage universel a eu pour effet de rendre conservateurs de l'ordre républicain tous les paysans qu'il a évoqués à la vie politique en leur donnant le bulletin de vote. Les ouvriers salariés sont une minorité en France, et c'est ce qu'ils s'obstinent à ne point reconnaître; ayant pris l'habitude de se désigner aux masses sous le nom de peuple, ils se considèrent comme tout le peuple, comme la nation tout entière. Il n'y a*

pas de quatrième état, et la révolution politique et sociale que les Français ont voulu faire est aujourd'hui accomplie. The lesson he draws from the history of the second republic is that when universal suffrage has been established, all is done that is necessary, provided the nation will loyally work within the limits of its constitution with wisdom and self-restraint. This is quite true; but the criticism suggested by the story he himself tells so fully and fairly, is that in a government founded on revolution, it is impossible to attain this wisdom and self-restraint. Does not universal suffrage, as he interprets it, mean class-warfare: the war between the majority of the peasants and bourgeois, and the minority of the workmen, a war which inevitably leads to repeated attempts by the minority to establish by force and arms their rule over the majority? J. W. HEADLAM.

On the Study of Economic History. An introductory lecture delivered before Harvard University, January 4, 1893. (Reprinted from the Quarterly Journal of Economics, vii. 2.) By W. J. ASHLEY, M.A.

PROFESSOR ASHLEY'S chief contentions may be digested into three propositions capable of expression as follows: First, that for the average student there is much greater opportunity for doing genuine work in the domain of historical investigation than in that of pure theory. Secondly, that in pursuing his investigation he requires but a slender acquaintance with what we may call general theory. Thirdly, that the study of economic history involves a fair average acquaintance with general history. All these propositions contain a large element of truth, but the truths they contain, at least so far as the first two are concerned, require explanation by way of modification or supplement. The third proposition is obvious, the more obvious the more attention is directed to the necessary connexion existing between the economic and the contemporary political conditions and events of any one period. But to turn to those which, if correct, are not so obviously correct; in the case of the first proposition which touches on the probable utility of the average student, all teachers of economics will probably agree with the views expounded in the lecture. There are many ways of treating historical investigations into economic conditions, and even those who adopt the least commendable of these will produce some result which may at least serve as useful material for others. On the other hand, a second-rate or third-rate handling of deductive economics is of little value to any one. With regard to the need of theoretic knowledge on the part of the historical investigator, much will depend on the subject of the investigation. In some branches of economic inquiry a sound theoretical knowledge would seem invaluable. How, for instance, would an investigator, destitute of such a preparation, set about his task of inquiry into a period where monetary changes by depreciation or otherwise form an important element? Take, again, the difficulties in the way of a reasonable conclusion as to the relative advantages of trade between different countries, let us say England and France at the close of the seventeenth century, without a reference to the theory of international trade. Professor Ashley instances the 'Village Community' of Mr. Seebohm and the 'Life and Labour in London' of Mr. Charles Booth as illustrations of work possessing a high economic value and yet uninfluenced or un-

assisted by abstract economics. He might instance the census returns for the same purpose. It is quite true. But these examples only show the want of necessary connexion in particular cases, just as Professor Böhm Bawerk's 'Positive Theory of Capital' and Professor Edgeworth's mathematical investigations furnish instances of the work which may be done without apparent use of economic history. But it would be unwise to conclude, on the basis furnished by cases such as these, that there is no strong general connexion between the two methods of research. In some instances one, in some the other, is of the greater importance. Sound though his leading position is, Professor Ashley seems to undervalue the assistance which the historical inquirer may receive from a good understanding of economic theory. E. C. K. Gonner.

The Fellows of the Collegiate Church of Manchester. By the late Rev. F. R. Raines, M.A. Edited by Frank Renaud, M.D., F.S.A. 2 vols. (Manchester: Printed for the Chetham Society. 1891.)

These volumes, which worthily complete the late Canon Raines's contributions to the history of the collegiate church of Manchester, are of great and permanent value for Lancashire and Cheshire genealogy. They necessarily touch at many points the ecclesiastical and general history of England for four centuries, and afford many hints to the reviser of Wood's 'Athenæ' and of Walker's 'Sufferings of the Clergy.' Christopher de Urswick (p. 27) figures in Shakespeare's 'Richard the Third.' A possible confusion between Reginald Pole and his namesake, the cardinal, may be avoided by reference to the note at pp. 38, 39; and a similar confusion between two William Bulleynes by consulting p. 49. Entries regarding John Bradford 'the martyr' occur at pp. 40, 46, 52; and some interesting details of Turton's library at pp. 41–45. At p. 54 Dr. Pendleton, of Manchester, figures—why, it is difficult to see—as one of the candidates for the distinction of 'vicar of Bray.' The 'popish griefs' which afflicted another fellow (p. 56) will appeal to students of the earlier years of Elizabeth; and Hall's very unsuccessful efforts to heal the sick (p. 61) remind one of the numerous Caroline and post-revolution divines who, when the pinch of poverty came, abandoned divinity for physic. Hall's opponent, Holt, was accused that, besides making 'an elevation of the bread and wine in the ministration of the sacrament,' he 'doth use moche drynking and kepyth an alehouse;' while another fellow (admitted 1574) was informed against 'for not observing the Sabbath day, to wit, for riding on that day when following his calling.' Alexander Nowell—'as learned as the Dean of Paul's,' says a Lancashire proverb (p. 77)—is a name of which any foundation might be proud. Bourne, the Knox of his native town, also called 'one of the *Black Preachers* of Manchester, on account of his disuse of the surplice,' was clearly a notable man; and there is a good story (pp. 91–2) of his instructing a tailor with signal success how to circumvent the devil. Balcanquall (p. 95) appears to have given rise to a proverbial saying common in Lancashire in the last century, and still understood in Durham. Balcanquall also gives as 'our proverbe' (p. 104) what is practically identical with Defoe's famous epigram on 'church' and 'chapel.' There is an early use of the colloquial 'yarn' at p. 117; 'thumb-ropes' appear at p. 123, 'obsanitie' at p. 137;

'strengthy' (p. 157) was perhaps formed proleptically on the analogy of 'lengthy,' which, according to Mr. Lowell, must have been the creation of the first reader of 'the moral Gower.'

We get here and there a few side-lights on Erasmus and the humanists, on the puritans, but more especially on the nonjurors. The remark of the Rev. Mr. Owen, of Rochdale, that 'God himself showed his disapprobation of *Jacobites*, for Jacob's sons were not allowed to be so called, but *Israelites*,' is new to us. The Rev. Thomas Cattell, who officiated once (too often) as chaplain of the 'Rochdale Corporation,' must have been a man after Thomas Hearne's own heart. 'In 1745 his house was the only one not illuminated whilst the duke of Cumberland was in Manchester;' and he seems to have kissed the hand of Prince Charles Edward with perilous alacrity. So did another fellow, Clayton, who knelt in the street invoking a blessing on the Chevalier, and said grace for him at his next day's dinner. These fellows of Manchester were lucky, if not wise, in their generation; both escaped scot-free, and bore practical witness to the clemency often underrated of the house of Hanover. Clayton, who was a college friend of Wesley, afterwards, like Dr. William King, recanted his political errors. But what had a man whose admirable motto was *Nunquam inveni requiem nisi in libro et claustro* to do with the rising of '45? The story of Deacon, who, 'as he passes by [the two 'Rebel Heads,' one his own son's,] frequently pulls off his hat and looks at them a minute, with a solemn complacent smile,' never loses its pathos; and the mention of the shadowy George Harbin (p. 221) necessitates a note in the reader's copy of the 'Dictionary of National Biography.' In 1755 we have a plain-spoken notice of Cambridge as a seat of learning (in *neither* sense of the word), together with a commendation of a 'chapel-riser;' later still an anecdote of a fellow who, on promulgating from the pulpit of the collegiate church a rumour that Napoleon had been shot through the *hat*, expressed a fervent wish that it had been his *heart*. Then come some jests, traditionally preserved, sometimes reminiscent of a 'second bottle,' of a fellow of yet more recent date, whose name is associated with 'Peterloo,' annotated with the hyperpharisaic self-gratulations of one of his sons; and the retort of Bishop Blomfield to the clergyman who affronted him with a story of a horse which the sporting divine had lately ridden for many miles on the North Road without drawing bit, reminding him that his feat had been anticipated and eclipsed by Dick Turpin.

A few notes may be added. The life of Richard Hollingworth (p. 167) is now well known, thanks to the progress of the 'Dictionary of National Biography.' The date of the death of Dr. Leigh, author of the insignificant 'Natural History of Lancashire,' remains a mystery. At p. 208 we are told that Assheton's 'admiration of "Eikon Basilike" was equal to that in Gauden or Wordsworth.' This is a dark saying; and there was no need in 1718 (as suggested at p. 212) to apply for permission to have the dead buried in woollen. Too much of the Latin throughout the book is terribly misprinted (see, *e.g.*, pp. 306, 376); the city which possesses the Spencer library must see that this does not occur again. Thomas Thynne (p. 99) was certainly not assassinated *at Longleat*. But serious errors are few. The Chetham Society may be congratulated on a substantial addition to the stores of the genealogist and the anecdotist, and on the

contribution of a new and interesting chapter to the history of the English church. Canon Raines's work, now completed, will be of use to many who have no special connexion with the county palatine.

Select Historical Documents of the Middle Ages. Translated and edited by Ernest F. Henderson. (London: George Bell & Sons. 1892.)

We shall certainly not raise the objections which Dr. Henderson in his preface seeks to forestall, against the miscellaneous character of the documents he has brought together and translated. We should rather be disposed to object that readers who will care for such a collection hardly stand in need of an English version. But they too will be glad to have within the compass of a small volume the texts of a multitude of statutes, bulls, and other documents of all kinds which are nowhere else to be found so collected, and are consequently known to the majority of general students of history only from the accounts of them given by modern historians. To the teacher also it is no little advantage to be able to refer in a moment to the 'Donation of Constantine,' the terms of the peace of Venice, the golden bull of Charles IV, or the like, even in a translation, and with occasional omissions. Dr. Henderson divides his work into four books. The first is concerned with England, and the documents are almost all taken from Bishop Stubbs's 'Select Charters.' The 'Dialogus de Scaccario' is translated at length, no doubt from a corrupt text, but that is because no better has yet made its appearance in print. We note that Dr. Henderson, with the desire of not confounding the functions of a translator with those of a commentator, has sometimes left obscure terms as they stand, where at least an explanatory note is desirable. Thus in Magna Charta, cap. xx., a freeman is to be amerced 'saving his contenement,' and a villein 'saving his wainnage;' the former term being unusual and the latter possibly susceptible of more than one meaning. The second book deals with the empire, the third with the church, and the fourth with church and state. This last, while it contains matter of very great interest, differs to some extent from the others, since it is largely made up of letters and manifestoes of temporary importance. An appendix gives us Liudprand's vivacious report of his embassy to Constantinople in 968. The translation is a little bald, but on the whole trustworthy. A strange blunder is the persistent rendering of 'archdean' for 'archdeacon' (pp. 15, 151, 152); and Dr. Henderson should have explained why he alters 'burgage' into 'burkage' on p. 142. 'Count' should never be used as an English title (p. 432). 'Randolf de Serres' on p. 423 is a mistake for Randolf of Sarre in Thanet (de Serris). Sometimes the grammar halts, as when 'ye' is used as an accusative. The introductory notices are of inferior quality; they often show a lack of appreciation of the real points at issue, sometimes wander into declamation, and are generally naïve. The Austin canons should not have been called 'Augustine monks' (p. 272).

A Formulary of the Papal Penitentiary in the Thirteenth Century. Edited by Henry Charles Lea, LL.D. (Philadelphia: Lea Brothers & Co. 1892.)

Mr. Lea prints from a manuscript in his own possession a formulary drawn up in all probability by Jacobus Thomasius Gaetanus, a nephew of

Boniface VIII, who was cardinal priest of St. Clement from 1295 to 1300. 'So far as I am aware,' the editor says, 'no record such as the following has hitherto been printed, and I have thought that students of medieval life and institutions might perhaps find in it the same interest that it has excited in me.' Of penitentials, indeed, there is no lack; and we have also materials for assigning the sums payable for relief from the various sorts and degrees of penance imposed. The present formulary marks the middle stage in the process. It contains specimen letters of pardon, stating in each case the offence for which penance was imposed and the grounds on which it was relaxed. The length of the letters to some extent regulated the cost of the pardon; but their contents furnish far more instructive evidence of the comparative gravity attached to different offences, and the admissions and qualifications made are highly significant of the degree to which the use of a pecuniary tariff had blunted the edge of moral distinctions. The text is edited with the care and learning which we should have expected of the historian of the 'Inquisition of the Middle Ages,' and it is illustrated with valuable notes and an introduction of remarkable interest. If his judgment of the whole system is a hard one, it is to be remembered that he is here in accord with a succession of the greatest religious teachers of the medieval church.

A History of the Church of St. Mary the Virgin, Oxford. By the present Vicar [E. S. FOULKES, B.D.] (London: Longmans. 1892.)

MR. FOULKES has collected a great deal of more or less interesting information about St. Mary's Church, and about many subjects more or less connected therewith; but his treatment of the early history of the university, and even of his own proper subject, the early history of the church, is confused and uncritical. While his views of historical evidence are so peculiar that the book can hardly be regarded as a serious contribution to historical literature, still those who have the patience to search for them will find many scraps of learning, especially much information as to unpublished sermons delivered at St. Mary's, which are not easily to be found elsewhere. The latter part of the book is largely taken up with a running commentary on the history of England, especially upon the Oxford movement. There is not much fresh information to be derived from this retrospect, but parts of it are not without interest, especially some unpublished letters of Newman, towards the close of the book.

Three Oxfordshire Parishes: a History of Kidlington, Yarnton, and Begbroke. By Mrs. BRYAN STAPLETON. (Oxford: Printed for the Oxford Historical Society at the Clarendon Press. 1893.)

MRS. STAPLETON'S book seems to be on the whole decidedly well done. She has evidently taken remarkable pains to collect from the most various sources every stray allusion to a scrap of information about the three parishes. On p. 17 Mrs. Stapleton, after noticing the restitution of the temporalities which followed the appointment of Thomas de Cudlington as abbot of Eynsham, adds, 'lost we know not how.' We can hardly suppose that Mrs. Stapleton is unaware that the temporalities of an abbey were seized into the king's hands during a vacancy. When she suggests that Bishop Burgwash probably 'opened' the restored church, because he

dates a letter from Kidlington about this time, we fear she is misled by modern associations. She evidently has before her mind the episcopal discourse, the public luncheon and complimentary speeches, with the sixpenny tea in the schoolroom afterwards, which would accompany such functions in modern times. We may safely declare that a medieval bishop would not 'open' a church which did not need consecration. But it is fair to add that there are not many such lapses in the book.

Entstehung und erste Entwicklung der Katechismen des seligen Petrus Canisius. Geschichtlich dargelegt von OTTO BRAUNSBERGER, S. J. (Freiburg: Herder. 1893.)

FATHER BRAUNSBERGER is to be thanked for this useful genealogy of a series of publications possessing a high significance for the history of the church of Rome, and of the catholic reaction in particular. He has studiously adhered to the immediate object of his research, avoiding any account of Blessed Peter Canisius (as Pope Pius IX decreed him to be), except in so far as it was necessary to illustrate the celebrated Jesuit's activity as a catechist, before he became the author of the most popular and long-lived written catechism known to his church. Although, as Father Braunsberger has sufficiently shown, there were catechisms before Luther, yet both the name (which Canisius only gradually adopted) was in a sense new, and the popularity of Luther's efforts was of its kind unprecedented. Thus in the parent Latin 'Summa,' and in its various Latin and German offspring, 'Smallest' and 'Small,' the counter-Reformation, in the person of one of its most distinguished representatives, proceeded on a principle of action to which it owed not a few of its most striking successes. More than this: a very peculiar feature of the first edition of the 'Summa,' published anonymously in 1555 (not, as is almost uniformly stated, in 1554), was the circumstance of its appearing under the authority of a temporal sovereign. According to Sarpi, this very fact excited ill-will at the papal court; but the statement is questionable, and Father Braunsberger has with some probability traced it to an untrustworthy source. The second and greatly enlarged edition of the 'Summa,' dated 1566, was published under the joint authority of the emperor and the king of Spain; but in its appendix on the doctrine of Justification, it based itself directly on the decrees of the Council of Trent.

This appendix seems to have constituted Canisius's only reply to the hostile critics of his 'Larger Catechism' (the 'Summa'), the 'Austrian Catechism,' as it was called by Melanchthon, his opponent in the fruitless colloquy of Worms. His refutation of Johannes Wigand he suppressed by Laynez' orders. But when in 1568 a rumour had been diligently spread at Würzburg of his conversion to protestantism, he was allowed to publish, under the title of 'Confessio autoris,' a declaration of his loyalty to the church of Rome, which was included in the 1571 edition of his great work, and which posterity has not sought to discredit.

The History of Ufton Court and of the Family of Perkins. Compiled from Ancient Records by A. MARY SHARP. (London: Stock. 1892.)

IN the county of Berks, some eight miles south-west of Reading, is the picturesque house of Ufton Court. Of this an equally picturesque account

has been produced by the occupier, Miss Sharp. This lady, after devoting much care to the preservation of the fabric, has now turned her attention to tracing the history of the estate. Ufton Robert, in which the house stands, and Ufton Pole represent one of the two Domesday holdings, while the other is represented by Ufton Nervet, so called from Richard Neyrvut, the Richerus Neirunt of the 'Testa de Nevill.' In passing it may be remarked that the names in the 'Testa de Nevill' sadly need investigation and correction. From about 1390 to 1794 the estate belonged to the family of Perkins, one of whom in 1715 married Pope's 'Belinda,' the beautiful Arabella Fermor of Tusmore. The living, which belongs to Oriel College, was once held by James Fraser, bishop of Manchester. The book is prettily illustrated and well arranged, and it appears to be a very successful attempt to represent the fortunes of an English house.

Acts and Resolves of the Province of Massachusetts Bay. Vol. VII. Resolves, &c., 1692–1702. (Boston: Wright & Potter Printing Co. 1892.)

THIS volume is a good specimen of the material which state governments and other bodies in America supply so bountifully for students of history. It contains a full transcript of all the resolutions passed by the Massachusetts Assembly during the ten years which followed upon the establishment of the new charter, and is marked with very full notes. The period over which it extends lacks the biographical interest which attaches to the early days of New England history. Nor is there the same room for conjectural interpretation as to the introduction and developement of institutions. Yet the period has a special interest of its own. It witnessed the first effective attempt by the British government to bring a New England colony under the direct action of a general system of colonial administration. The introduction of the new charter too was speedily followed by the establishment in Massachusetts of that change which, as Mr. Bryce has pointed out, has had such fruitful and far-reaching results on American public life. It was enacted in 1693 that no representative might sit for a district in which he did not reside. Other interesting matters on which either the text or the notes help to throw light are the imperfectly successful attempts of the northern colonies at a scheme of common action against Canada, and the public proceedings in connexion with the witchcraft delusion. The editor, too, has given in a note (p. 430) a very clear and full account of the gradual establishment of a post-office at Boston and a mail service for communication with the adjacent colonies.

Secret Service under Pitt. By W. J. FITZPATRICK. (London: Longmans & Co. 1892.)

THE materials for a history of the United Irish movement are gradually accumulating, and Mr. Fitzpatrick's 'Secret Service' is the most recent and certainly not the least valuable contribution in that direction. Attention has frequently been drawn to the completeness and accuracy of the information possessed by the government in regard to the conspiracy, but the channels through which this information was derived have hitherto been rather a matter of conjecture than of certain knowledge.

An initial or an alias was all by which the most useful agent was known in the most secret of the secret and confidential correspondence of Dublin Castle. 'Lord Downshire's friend' even insisted that his name should be withheld from the cabinet, and his demand was complied with. Innocent men have suffered from unjust suspicions, while the really guilty have enjoyed not merely the rewards of their infamy but also the esteem of their fellow citizens. It was right, therefore, that such men as Samuel Turner, *alias* Furnes, *alias* Richardson, on whose evidence O'Coigly was hanged and Lord Cloncurry incarcerated in the Tower; Francis Magan, the tool of the 'Sham Squire' and the betrayer of Lord Edward Fitzgerald; Leonard MacNally, by turn the advocate and betrayer of his clients, should be exhibited in their true colours. *Nec vero hae sine sorte datae, sine judice, sedes.* A hint, an ambiguous phrase in the Castlereagh or other correspondence has been sufficient to complete the chain of evidence. Nor is it a question simply affecting the character and reputation of certain individuals. Incidentally Mr. Fitzpatrick has cleared up several points of historical importance. For example, we know now to whose influence it was mainly due that Humbert's expedition landed at Killala among the starved and unarmed peasantry of county Mayo and not in the neighbourhood of Belfast. A system of espionage which sent some of the best men in Ireland to the gallows, which expatriated others, which deluged the country in a sea of blood, which cramped the national morality and stunted the intelligence of a generation, is not an agreeable chapter in the relations between the two countries. Mr. Fitzpatrick writes with moderation, and his book is an interesting and valuable contribution towards the elucidation of an obscure page in the history of Ireland.

R. DUNLOP.

L'Allemagne et la Russie au XIX^e^ Siècle. Par EDOUARD SIMON. (Paris: Alcan. 1893.)

AT the present moment it might be thought that a Frenchman was hardly the best person to write judicially about such a controversial subject as the relations between Germany and Russia during the nineteenth century; but M. Simon, whose previous works on modern German history are well known, has not treated it in a partisan spirit. He writes in a tone of satisfaction whenever he has to narrate the gradual estrangement of Russia and her great western neighbour; but his style is singularly free from patriotic extravagances, and as he approaches the end of his task he wisely abstains from political speculations.

No one has better summarised the policy of Russia towards Germany during the present century than Prince Bismarck himself. Few historical retrospects are more interesting than that to which he treated the Reichstag five years ago. He showed how the services rendered by Alexander I to Prussia in 1814 had been gratefully remembered all through the long reign of Frederick William III. But accounts were squared at Olmütz, and later on the benevolent attitude of Russia towards Prussia during the wars of 1866 and 1870 was fully counterbalanced by the friendly policy of Prussia at the time of the Crimean war, during the Polish rebellion of 1863, and finally by the revision of the Black Sea

reaty. M. Simon traces the altered state of things at considerable length. Beginning with the accession of Nicholas in 1825, he points out how Russian influence became paramount at the Prussian court during the reign of that powerful monarch, and how, after several changes of policy, during which the Russian press was generally anti-German, the old relations between the two countries were finally replaced by the present triple alliance. If not so brilliantly written as French historical studies usually are, the book deals with an interesting subject, and is based upon documentary materials.

The Refounding of the German Empire: 1848–1871. By COLONEL G. B. MALLESON, C.S.I. (London: Seeley & Co. 1893.)

THE scope and character of this book is best expressed by saying that it is one of a series of volumes in course of publication, entitled 'Events of Our Own Time.' The present volume is a favourable specimen of this kind of work. It is chiefly based upon the ordinary books which have already appeared on the subject, such as Sir Alexander Malet's 'Overthrow of the Germanic Confederation by Prussia in 1866.' But the author has had access to some unpublished journals of eye-witnesses, and had the advantage of being in North Germany at the time of Bismarck's first moves in the game between Prussia and Austria in the early sixties. The greater part of the book is occupied with the military events which so largely contributed to the unification of Germany, and due stress is laid upon the importance of the needle-gun and the improved military organisation of Prussia. Colonel Malleson does not say much about the other causes which tended to bring about the same result, such, for instance, as the possession of a common language and literature; but he very properly emphasises the value of the Customs Union as a unifying force. He assigns his proper place in the work of German unity to Count von Roon, whose silent claims are too often ignored, even by some Germans themselves. Bismarck is evidently not a favourite with the author, although he does justice to his great ability and force of character.

The title of the book may occasion some comment. It may be true in a sense that the German empire of to-day is a revival, as Colonel Malleson says, 'of the empire founded by Charlemagne,' but the plain man, for whom the volume is chiefly intended, is apt to be rather confused by subtleties of this sort. We cannot help thinking that Dr. von Sybel was right when he styled his great history 'The *Foundation* of the German Empire' (*Die Begründung des deutschen Reiches*), and we think it would have been better if Colonel Malleson had followed his example.

Concerning the new and (as there is every reason for hoping) 'definitive' edition of the *Diary of Samuel Pepys* (London: George Bell & Sons, vol i., 1893) we hope to have something more at large to say on the completion of its issue. In Mr. Henry B. Wheatley the most competent of editors has at last been secured for this unique book. His general qualifications are well known; and his *Samuel Pepys and the World he lived in*, published in 1880, as a sort of supplement to the late Mr. Mynors Bright's edition of the *Diary*, is, notwithstanding the dubious sound of its title, justly prized by students. His Introductory Biography, in which not a

word is superfluous, together with the additional notes contributed by him to the volume now before us, materially augment its intrinsic value. We sincerely trust that he will carry out his task without fear—and without reproach. He will, we feel sure, not omit a line of Mr. Bright's unprinted fifth of the manuscripts, that will illustrate the veriest detail in the public work of a most distinguished servant of the state, or in the private affairs of an incomparable observer. But we hope that, in the name of common sense, as well as of ordinary decency, he will refuse to print any further passages such as have, though happily in rare instances, been included in the text of the present volume. Nobody beyond that age of life to which we know a special reverence is due can be otherwise than revolted by their admission.

The *Statesman's Year-Book* for 1893 (thirtieth annual publication. London: Macmillan. 1893) presents the usual features of accuracy and completeness. Every page which we have examined has been scrupulously revised. The map of Africa south of the equator, 'showing treaties, agreements, &c., on which delimitations are based,' though the colouring is unpleasant, will be found very serviceable.

We rejoice to learn that an influential preliminary meeting held on 13 June last cordially approved of a proposal which has been carefully matured by our naval Plutarch, Professor J. K. Laughton, and Admiral Cyprian A. G. Bridge, the Director of the Naval Intelligence Department of the Admiralty. A Society is to be formed under the name of the Navy Record Society, on the general lines of the Camden Society, though with a difference which will be obvious, for the republication of those materials of our naval history which have become obsolete by neglect or other causes, and for the first publication of those which still slumber in neglect in private, and more especially in the public archives. With two hundred subscribers of one guinea a year the issue of an annual volume, and with three hundred that of two annual volumes, will be guaranteed. For ourselves, we gladly follow our contemporary *The Army and Navy Gazette* in commending so excellent a scheme to patriotic Englishmen at large, as well as to professed students of our national history. It has often been remarked that, considering the unequalled importance to the country of the Naval Service, and the unsurpassed brilliancy of its achievements, the number of naval *families* in Great Britain is surprisingly small. But our great Captains of the Sea are, beyond all comparison, the heroes proper of our entire nation. Failing a systematic collection of authentic materials, the records of those heroes' deeds must remain indistinct and blurred, and in many instances incorrect and unjust. We trust that many subscribers will send in their names to Professor Laughton at his address, Catesby House, Manor Road, Barnet.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works of miscellaneous contents)

Bonar (J.) Philosophy and political economy in some of their economical relations. Pp. 510. London: Sonnenschein.

Cook (captain James). Journal of his first voyage round the world [1768–1771]. Ed. with notes and an introd. by W. J. L. Wharton. Pp. lvi, 400. London: Stock. 21/.

Corbella (A.) Historia jurídica de las diferentes especies de censos. Pp. 335 Madrid: impr. de los Huérfanos. 4to.

Coyecque (E.) Catalogue général des manuscrits des bibliothèques publiques de France. Départements. XIX: Amiens. Pp. c, 619. Paris: Plon. 10 f.

Droysen (J. G.) Outline of the principles of history. Transl. by E. B. Andrews. Pp. xxxv, 122. Boston: Ginn. (London: Arnold. 3/6.)

Hobsten (H.) Die Personalexecution in Geschichte und Dogma. I: Die Personalexecution bei den Franken. Pp. 243. Vienna: Manz. 6 m.

Kohler (C.) Catalogue général des manuscrits des bibliothèques publiques de France. Paris: Bibliothèque Sainte-Geneviève. I. Pp. 655. Paris: Plon. 10 f.

Molinier (A.) Catalogue général des manuscrits des bibliothèques publiques de France. Départements. XXII: Nantes, Quimper, Brest. Pp. 567. Paris: Plon. 10 f.

Narducci (H.) Catalogus codicum manuscriptorum praeter Graecos et orientales in bibliotheca Angelica olim coenobii sancti Augustini de urbe. I. Rome: Loescher. Fol.

Omont (H.) Nouvelles acquisitions du département des manuscrits de la Bibliothèque nationale [1891–1892]. Inventaire sommaire. Pp. 52. Paris: Picard.

Penka (K.) Die Heimat der Germanen. Pp. 32. Vienna (Leipzig: Hirsemann). 4to. 2 m.

Pohler (J.) Bibliotheca historico-militaris. Systematische Uebersicht der Erscheinungen aller Sprachen auf dem Gebiete der Geschichte der Kriege und Kriegswissenschaft. III: 2. Pp. 61–344. Cassel: Kessler. 9 m.

Reinach (J.) La France et l'Italie devant l'histoire. Pp. 245. Paris: Alcan. 5 f.

Thompson (E. M.) Handbook of Greek and Latin palæography. Pp. 354. London: Paul, Trübner, & Co. 5/.

Valenti (G.) Le forme primitive e la teoria economica della proprietà. Pp. 102. Bologna.

Vienna.—Tabulae codicum manu scriptorum praeter Graecos et orientales in bibliotheca Palatina Vindobonensi asservatorum. VIII: Cod. 14001–15500. Vienna: Tempsky. 5·40 m.

Walker (T. A.) The science of international law. Pp. 541. London: Clay.

Zanichelli (D.) Studi politici e storici Bologna.

II. ORIENTAL HISTORY

Aegyptische Urkunden aus den königlichen Museen zu Berlin. Griechische Urkunden. IV. Pp. 97–128. Berlin: Weidmann. 4to. 2·40 m.

Boulger (D. C.) A short history of China. Map. London: Allen. 12/6.

Buhl (F.) Det israelitiske Folks Historie. Pp. 316. Copenhagen. (6·75 m.)

Chih Louh Kouoh Kiang Yuh Tchi. Histoire géographique des seize royaumes; trad. et annoté par A. des Michels. II. Pp. xxv–cxcii, 63–206. Paris: Leroux. 7·50 f.

East India Company's first letter book, 1600–1619. London.

Higgens (E.) Hebrew idolatry and superstition; its place in folk lore. Pp. 80. London: Stock. 3/6.

Josephi (Flavii) Opera omnia. Recognovit S. A. Naber. IV. Pp. xlvii, 385. Leipzig: Teubner. 3·60 m.

Lewin (L.) Rabbi Simon ben Jochai: ein historisches Zeitbild aus dem zweiten nachchristlichen Jahrhundert. Pp. 94. Frankfurt: Kauffmann. 1·50 m.

Müller (W. M.) Asien und Europa nach altägyptischen Denkmälern. Mit einem Vorwort von G. Ebers. Pp. 403, illustr. Leipzig: Engelmann. 24 m.

Perruchon (J.) Vie de Lalibala, roi d'Ethiopie. Texte éthiopien et traduction française, avec un résumé de l'histoire des Zagüés et la description des églises monolithes de Lalibala. Pp. xlvii, 169. Paris: Leroux. 10 f.

Smend (R.) Lehrbuch der alttestamentlichen Religionsgeschichte. Pp. 550. Freiburg: Mohr. 12 m.

Winckler (H.) Sammlung von Keilschrifttexten. I: Die Inschriften Tiglat Pilesers. I. Pp. 31. Leipzig: Pfeiffer. 4to. 5 m.

III. GREEK AND ROMAN HISTORY

Addis (W. E.) Christianity and the Roman Empire. Pp. 221. London: Sunday School Association. 3/6.

Bikélas (D.) La Grèce byzantine et moderne: essai historique. Paris: Didot. 7·50 f.

Byzantinarum, Fontes rerum, accuravit W. Regel. I: 1. Pp. 182. Petersburg. (Leipzig: Voss. 3·25 m.)

Chronica minora, collegit et emendavit C. Frick. I. Accedunt Hippolyti Romani praeter Canonem Paschalem fragmenta chronologica. Pp. ccxxvi, 637. Leipzig: Teubner. 6·80 m.

Desjardins (E.) Géographie historique et administrative de la Gaule romaine. IV: Les sources de la topographie comparée. Paris: Hachette. 20 f.

Freeman (the late E. A.) History of federal government in Greece and Italy, with a general introd. New and enlarged ed. by J. B. Bury. Pp. xlviii, 692. London: Macmillan. 12/6.

Gilbert (G.) Handbuch der griechischen Staatsalterthümer. I: Der Staat der Lakedaimonier und der Athener. 2te Aufl. Pp. xliii, 518. Leipzig: Teubner.

Holländer (L.) Kunaxa: historisch-kritische Beiträge zur Erklärung von Xenophons Anabasis. Pp. 36. Naumburg (Leipzig: Fock.) 4to. 1·20 m.

Inscriptiones Atticae aetatis quae est inter Euclidis annum et Augusti tempora. Ed. U. Koehler. IV. Indices continens, composuit I. Kirchner. (Corpus inscriptionum Atticarum. II, 4.) Berlin: Reimer. Fol. 11 m.

Inscriptions, Latin historical, illustrating the history of the early Empire. By G. McN. Rushforth. Pp. xxviii, 144. Oxford: Clarendon Press. 10/.

Karlowa (O.) Römische Rechtsgeschichte. II: Privatrecht, Civilprozess, Strafrecht, und Strafprozess. 2. Pp. 481–944. Leipzig: Veit. 12·50 m.

Paganelli (A.) La cronologia romana. Pp. 171. Milan: Giuseppi. 6 l.

Paspates (A. G.) The great palace of Constantinople. Transl. by W. Metcalfe. Pp. 381, map. Paisley: Gardner. 7/6.

Pelham (H. F.) Outlines of Roman history. Pp. 538, maps. London: Percival. 6/.

Raeder (A.) Athens politiske udvikling i tiden fra Kleisthenes til Aristeides's reform. Pp. 152. Christiania. (3·75 m.)

Revillout (E.) Corpus papyrorum Ægypti. Papyrus grecs du Louvre, &c. III, 1: Le plaidoyer d'Hypéride contre Athénogène. Pp. 24. Paris: Leroux. Fol.

Schmidt (O. E.) Der Briefwechsel des M. Tullius Cicero von seinem Prokonsulat in Cilicien bis zu Caesars Ermordung, nebst einem Neudrucke des xii. und xiii. Buches der Briefe an Atticus. Pp. 535. Leipzig: Teubner. 12 m.

Voigt (M.) Ueber die Leges Iuliae iudiciorum privatorum und publicorum. Leipzig: Hirzel. 2·60 m.

IV. ECCLESIASTICAL AND MEDIEVAL HISTORY

Bartholomew Anglicus, Mediæval lore: an epitome of the science, geography, &c., of the middle ages, being gleanings from the encyclopædia of. Ed. by R. Steele, with pref. by W. Morris. Pp. 140. London: Elliot Stock. 7/6.

Baeumker (C.) Ein Traktat gegen die Amalricianer aus dem Anfang des dreizehnten Jahrhunderts. Nach der Handschrift zu Troyes herausgegeben. Pp. 69. Paderborn: Schöningh. 2 m.

Berger (E.) Les préparatifs d'une invasion anglaise et la descente de Henri III en Bretagne [1229-1230]. Pp. 44. Nogent-le-Rotrou: imp. Daupeley-Gouverneur.

—— Saint Louis et Innocent IV: étude sur les rapports de la France et du Saint-Siège. Pp. 433. Paris: Thorin. 8 f.

Bradshaw (the late H.) The early collection of canons known as the Hibernensis. Cambridge: University Press. 2/6.

Clément IV, Les registres de [1265–1268]: recueil des bulles de ce pape, publiées ou analysées par E. Jordan. I. Pp. 112. Paris: Thorin. 4to. 8·40 f.

Cruttwell (C. T.) A literary history of early Christianity. 2 vol. London: Griffin. 21/.

Doren (A.) Untersuchungen zur Geschichte der Kaufmannsgilden des Mittelalters: ein Beitrag zur Wirtschafts-, Social-, und Verfassungsgeschichte der mittelalterlichen Städte.

(Schmoller's Staats- und socialwissenschaftliche Forschungen, XII, 2.) Pp. 291. Leipzig: Duncker & Humblot 4·80 m.

Drews (P.) Petrus Canisius, der erste deutsche Jesuit. (Schriften des Vereins für Reformationsgeschichte, XXXVIII.) Halle: Niemeyer. 1·20 m.

Foss (R.) Kirchen - reformatorische Bestrebungen im neunten Jahrhundert; zur Reformationsgeschichte von Genf. Pp. 26. Berlin: Gaertner. 4to. 1 m.

Heard (J. B.) Alexandrian and Carthaginian theology contrasted: the Hulsean lectures [1892–1893]. Pp. 362. Edinburgh: Clark. 6/.

Kurth (G.) Histoire poétique des Mérovingiens. Pp. 552. Paris: Picard. 8 f.

Lipp (M.) Das fränkische Grenzsystem unter Karl dem Grossen, neu untersucht und nach den Quellen dargestellt. (Gierke's Untersuchungen zur deutschen Staats- und Rechtsgeschichte, XLI.) Breslau: Koebner. 2·50 m.

Mönchemeier (R.) Amalar von Metz; sein Leben und seine Schriften: ein Beitrag zur theologischen Litteraturgeschichte und zur Geschichte der lateinischen Liturgie im Mittelalter. (Kirchengeschichtliche Studien. I. 3, 4.) Pp. 266. Münster: Schöningh. 6·20 m.

Monumenta Germaniae historica. Auctores antiquissimi. XI, 1. Pp. 239, plates. Berlin: Weidmann. 4to. 8 m.

—— Concilia aevi Merovingici. Recensuit F. Maassen. (Legum sectio III. Concilia: 1.) Hanover: Hahn. 4to. 10 m.

—— Leges Burgundionum, ed. L. R. de Salis. (Legum sectio I. Leges nationum Germanicarum. II, 1.) Hanover: Hahn. 4to. 6 m.

—— Libelli de lite imperatorum et pontificum saeculis XI et XII conscripti. II. Pp. 743. Hanover: Hahn. 4to. 25 m.

Mugnier (M.) L'expédition du concile de Bâle à Constantinople pour l'union de l'église grecque à l'église latine [1437–1438]. Pp. 16. Paris: Lerocc.

Nicolas IV, Les registres de: recueil des bulles de ce pape, publiées ou analysées par E. Langlois. VIII. Pp. 969–1128. Paris: Thorin. 4to. 12 f.

Nieuwenhoff (W. van). Leven van den H. Ignatius van Loyola. II. Pp. 612, plate. Amsterdam.

Prou (M.) Catalogue des monnaies françaises de la Bibliothèque nationale; les monnaies mérovingiennes. Pp. cxx, 634, plates. Paris: Rollin & Feuardent. 35 f.

Rocquain (F.) La cour de Rome et l'esprit de réforme avant Luther. I: La théocratie; Apogée du pouvoir pontifical. Paris: Thorin. 10 f.

Rösler (A.) Cardinal Johannes Dominici, O. P. [1357–1419]: ein Reformatorenbild aus der Zeit des grossen Schisma. Pp. 196, portr. Freiburg: Herder. 3 m.

Schaumkell (E.) Der Kultus der heiligen Anna am Ausgange des Mittelalters. Pp. 92. Freiburg: Mohr. 2 m.

Seeliger (G.) Die Kapitularien der Karolinger. Munich: Lindauer. 2 m.

Segovia (Joannis de) Historia gestorum generalis synodi Basileensis. Ed. E. Birk & R. Beer. II: Liber XVI. (Monumenta conciliorum generalium seculi XV. Concilium Basileense. Scriptores: III, 2.) Vienna: Tempsky. 4to. 7·50 m.

Taranger (A.) Den angelsaksiske Kirkes indflydelse paa den norske. I–III. Pp. 459. Christiania: Udgivet af den Norske historiske Forening. (8·25 m.)

Theiner (J. A. & A.) Die Einführung der erzwungenen Ehelosigkeit bei den christlichen Geistlichen und ihre Folgen. I. Pp. xlviii, 364. Barmen: Klein. 4·50 m.

Tractatus de diversis historiis Romanorum et quibusdam aliis, verfasst in Bologna im Jahre 1326; nach einer Handschrift in Wolfenbüttel herausgegeben von S. Herzstein. (Varnhagen's Erlanger Beiträge. XIV.) Erlangen: Junge. 1·60 m.

Urbain IV, Les registres d' [1261–1264]: recueil des bulles de ce pape, publiées ou analysées par L. Dorez & J. Guiraud. Pp. 112. Paris: Thorin. 4to. 8·40 f.

Winkelmann (A.) Der Romzug Ruprechts von der Pfalz, nebst Quellenbeilagen. Pp. 146. Innsbruck: Wagner. 2·80 m.

V. HISTORY OF MODERN EUROPE

Andersson (T.) Svenska underhandlingar med Rysland [1537]. Pp. 54. Stockholm. (3·50 m.)

Berlet (A.) Charles le Téméraire et René de Lorraine. Pp. 220, map. Dijon: imp. Darantière.

Bigarré (général), aide de camp du roi Joseph. Mémoires [1725–1813]. Paris: Kolb. 12mo. 7.50 f.

Boulard (baron). Mémoires militaires sur les guerres de la république et de l'empire. Pp. 368. Paris: Libr. illustrée. 7·50 f.

Chanoy (H. du). Notes et correspondances du baron Redon de Belleville, consul de la république française à Livourne et à Gênes; Histoire financière de la campagne d'Italie [1796–1797]. Pp. 380, 240. Paris: Techener. 15 f.

Chaptal (comte). Mes souvenirs de Napoléon. Publiés par son arrière-petit-fils le vicomte A. Chaptal. Pp. 413, portr. Paris: Plon. 7·50 f.

Charles V.—Lettere di Carlo V a Clemente VII [1527–1533]. Ed. by E. Casanova. Pp. 22. Florence: Privately printed by M. Cellini.

Clemente (Guillén de), embajador en Alemania de los reyes D. Felipe II y III. Correspondencia inédita sobre la intervenci de España en los sucesos de Polonia y Hungría [1581–1608]. Pp. xxxix, 407. Zaragoza: tip. de la Derecha. 4to.

Clercq (J. de). Recueil des traités de la France, XIV: [1883–1885]. Pp. 305–538. Paris: Pedone-Lauriel.

Cottin (P.) L'Angleterre devant ses alliés [1793–1814]. Pp. 100. Paris: Revue retrospective. 2·50 f.

Dansk-tydske Krig, Den [1864]. Udgivet af Generalstaben. III. Pp. 544, maps. Copenhagen. (9·75 m.)

Duval (C.) L'invasion de la Savoie par l'armée sarde [1793]; mémoires et documents. Pp. 202. Saint-Julien: imp. Mariot.

Duvernoy (F.) Politique des ducs de Lorraine envisagée dans leurs rapports avec la France et l'Autriche [1477–1545]. Pp. 89. Nancy: imp. Berger-Levrault.

France, Recueil des instructions données aux ambassadeurs et ministres de, depuis les traités de Westphalie, jusqu'à la révolution française. X: Naples et Parme, avec une introd. et des notes par J. Reinach. Paris: Alcan. 20 f.

Geizkofler (Luc), Tyrolien, Mémoires de [1550–1620], traduits par E. Fick. La nuit de la Saint-Barthélemy; les universités de Bologne, Paris, Dôle, et Padoue. Paris: Fischbacher. 12mo. 6 f.

Halphen (E.) Lettres inédites du roi Henri IV à M. de Béthune, ambassadeur de France à Rome [9 mars–31 juillet 1602]. Pp. 87. Paris: Champion. 5 f.

Jurien de la Gravière (feu amiral). Les gueux de mer. Pp. 345. Paris: Ollendorff. 18mo. 3·50 f.

La Huguerye (M. de). Ephéméride de l'expédition des Allemands en France [1587]. Publiée par le comte Léonel de Laubespin. Pp. 560. Paris: Laurens. 9 f.

Lévy (A.) Napoléon intime. Pp. 656. Paris: Plon. 8 f.

Masse (J.) Histoire de l'annexion de la Savoie à la France en 1792. II: [6 octobre 1792–31 mai 1795]. Pp. 217. Grenoble: imp. Allier.

Masslowski. Der siebenjährige Krieg nach russischer Darstellung. III: [1759–1762]. Übersetzt von A. von Drygalski. Berlin: Eisenschmidt. 15 m.

Moltke's militärische Werke. III: Kriegsgeschichtliche Arbeiten. I: Geschichte des Krieges gegen Dänemark [1848–1849]. Pp. 437, maps. Berlin: Mittler. 11 m.

Morris (W. O'C.) Napoleon. Pp. 433, illustr. London: Putnam. 5/.

Pélissier (L. G.) Les sources milanaises de l'histoire de Louis XII: Trois registres de lettres ducales de Louis XII aux archives de Milan. Pp. 80. Paris: Leroux.

Pierling (père). Saxe et Moscou: un médecin diplomate; Laurent Rinhuber de Reinufer. Paris: Bouillon. 3 f.

Russia.—Geheime Documente der russischen Orient-Politik [1881–1890], nach dem in Sofia erschienenen russischen Original herausgegeben von R. Leonow. Pp. 247. Berlin: Wilhelmi. 5 m.

Springer (A.) Der russisch-türkische Krieg [1877–1878] in Europa. Fünfte Operations-Periode. Pp. 208, 5 maps. Vienna: Konegen. 5 m.

Volpi (G.) Carlo V a Lucca nel 1536: lettera di N. Montecatini, con note e documenti. Pp. 93. Lucca: tip. Giusti.

Weil (comte). La campagne de 1814, d'après les documents des archives de la guerre à Vienne. La cavalerie des armées alliées pendant la campagne de 1814. Pp. 504. Paris: Baudoin. 8 f.

Wiehr (E.) Napoleon und Bernadotte im Herbstfeldzuge 1813. Pp. 496. Berlin: Cronbach. 7·50 m.

A. FRANCE

Aulard (F. A.) Études et leçons sur la révolution française. Paris: Alcan. 3·50 f.

—— La société des Jacobins: recueil de documents pour l'histoire du club des Jacobins de Paris. IV: [juin 1792–janvier 1793]. Pp. 716. Paris: Quantin. 7.50 f.

— Recueil des actes du Comité de salut public, avec la correspondance officielle des représentants en mission et le registre du conseil exécutif provisoire. V: [19 juin 1793–15 août 1793]. Pp. 605. Paris: Hachette. 12 f.

Bougenot (E. S.) Notices et extraits de manuscrits intéressant l'histoire de France, conservés à la Bibliothèque impériale de Vienne. Pp. 69. Paris Leroux.

Bourbon (G.) Inventaire sommaire des archives départementales antérieures à 1790. Eure: Archives ecclésiastiques. Série H. Pp. 326. Évreux: imp. Hérissey. 4to. 12 f.

Boursin (E.) & Challamel (A.) Dictionnaire de la révolution française: institutions hommes, et faits. Pp. 935. Paris: Jouvet. 15 f.

Buisson (F.) Sébastien Castellion, sa vie et son œuvre [1515–1563]: étude sur les origines du protestantisme libéral français. Pp. 441, 516. Paris: Hachette. 20 f.

Camisards, Précis historique de la guerre

des [1702–1710]. Pp. 270. Nîmes: Gervais-Bedot.

CHARVÉRIAT (E.) L'édit de restitution de 1629. Pp. 73. Montbrison: imp. Brassart.

CHEROT (H). La première jeunesse de Louis XIV [1649–1653], d'après la correspondance inédite du père Charles Paulin, son premier confesseur. Pp. 194, illustr. Lille: Desclée & de Brouwer. 2 f.

CORLIEU (A.) La mort des rois de France depuis François I^er^: études médicales et historiques. Pp. 385. Paris: Champion. 16mo. 5 f.

DOUAIS (C.) Les frères prêcheurs de Limoges; textes latins. Pp. 111. Toulouse: Privat.

DUBARAT (V.) Statuts synodaux du diocèse de Bayonne de 1533, avec une introd. et des notes. Pp. xxx, 70. Pau: imp. Dufau.

DUFAYARD (C.) Le connétable de Lesdiguières. Pp. 614. Paris: Hachette. 10 f.

DURET (T.) Histoire de France [1870–1873]. Pp. 431, 357. Paris: Charpentier. 12mo. 7 f.

FLACH (J.) Les origines de l'ancienne France, dixième et onzième siècles. II: les origines communales; la féodalité et la chevalerie. Pp. 588. Paris: Larose & Forcel. 10 f.

FRANÇOIS I^er^, Catalogue des actes de. V: [1546–1547]. Supplement: [1515–1526]. Pp. 819. Paris: imp. nationale. 4to. 10 f.

FRANKLIN (A.) La vie privée d'autrefois. XII, XIII. Paris: Plon. 12mo. Each 3·50 f.

GALTIER DE LAROQUE (A. de). Le marquis de Ruvigny, député général des églises réformées auprès du roi, et les protestants à la cour de Louis XIV [1643–1685]. Pp. 314. Paris: Plon. 18mo. 3·50 f.

GOUVENAIN (L. de) & VALLÉE (P.) Inventaire sommaire des archives communales antérieures à 1790. Ville de Dijon. III. Pp. 422. Dijon: imp. Carré. 4to. 10 f.

HANOTAUX (G.) Histoire du cardinal de Richelieu: La jeunesse de Richelieu [1585–1614]; La France en 1614. I. Paris: Didot. 10 f.

LECOMTE (E.) Le maréchal-duc de Boufflers et sa famille; la duché-pairie de Boufflers. Pp. 117. Amiens: imp. Jeunet.

LE COQ (F.) Documents authentiques pour servir à l'histoire de la constitution civile du clergé dans le département de la Mayenne. VII. District de Villaines. Pp. 228. Laval: Chailland. 3·75 f.

LESPINASSE (R. de). Histoire générale de Paris. Les métiers et corporations de la ville de Paris. II (xiv^e^–xviii^e^ siècles). Pp. 773, illustr. Paris: Champion. 4to. 30 f.

LEX (L.) Eudes, comte de Blois, de Tours, de Chartres, de Troyes, et de Meaux [995–1037], et Thibaud, son frère [995–1004]. Pp. 200. Troyes: imp. Dufour-Bouquot.

LOCKROY (E.) Une mission en Vendée [1793]. Pp. 351. Paris: Ollendorff. 12mo. 3·50 f.

LOIR (M.) La marine royale en 1789. Pp. 321. Paris: Colin. 18mo. 3·50 f.

MAUGRAS (G.) Le duc de Lauzun et la cour intime de Louis XV. Pp. 469. Paris: Plon.

MÉCHIN (E.) Annales du collège royal Bourbon d'Aix. II. Pp. 536, plates. Marseilles: imp. Evesque. 15 f.

MOUTARDE (E.) La réforme en Saintonge; les églises réformées de Saujon et de la presqu'île d'Arvert. Pp. 215, illustr. Paris: Fischbacher. 4 f.

PARFAIT (N.) Le général Marceau: sa vie civile et militaire. Pp. 473. Paris: C. Lévy. 7·50 f.

PEREY (L.) Le président Hénault et Madame du Deffand. Pp. 552. Paris: C. Lévy. 7·50 f.

PETIT (E.) Histoire des ducs de Bourgogne de la race capétienne, avec des documents inédits et des pièces justificatives. IV. Pp. 491. Dijon: imp. Darantière. 10 f.

PLAT (E.) Cartulaire de l'abbaye royale du Lieu-Notre-Dame-lez-Romorantin (ordre de Cîteaux). Pp. 209. Romorantin: Sandachar. 6 f.

PONTÉCOULANT (de). Souvenirs historiques et parlementaires, extraits de ses papiers et de sa correspondance [1764–1848]. III. Supplément. Pp. xxviii. Paris: imp. Maulde. 3 f.

POREE (abbé). L'abbaye du Bec et ses écoles [1045–1790]. Pp. 114. Evreux: imp. Odieuvre.

PORT (C.) La légende de Cathelineau [mars–juillet 1793], avec nombreux documents. Paris: Alcan. 5 f.

RAYEUR (I. A.) Mirabeau: sa vie et ses œuvres. Pp. 270. Moulins: imp. Charmeil. 18mo. 2·50 f.

SAINT-SIMON. Ecrits inédits. VIII: publié par le vicomte Menjot d'Elbenne. IV. Pp. 724. Paris: Hachette. 7·50 f.

SAULCY (F. de). Recueil de documents relatifs à l'histoire des monnaies frappées par les rois de France depuis Philippe II jusqu'à François 1^er^. II. Pp. 401. Caen: imp. Delesques. 4to.

SOURIAU (M.) Louis XVI et la révolution. Paris: Librairies-imprimeries réunies. 4 f.

TAXON (L.) Histoire des tribunaux de l'inquisition en France. Paris: Larose & Forcel. 12 f.

TOCQUEVILLE (comte de). Souvenirs d'Alexis de Tocqueville. Pp. 436. Paris: C. Levy. 7·50 f.

TREMAULT (M. de). Cartulaire de Marmoutier pour le Vendômois. Pp. xxxii, 509. Paris: Picard. 10 f.

TUETEY (A.) Histoire générale de Paris. Registre des délibérations du bureau de la ville de Paris. V: [1558–1567]. Pp. lv, 754. Paris: Champion. 4to. 30 f.

B. GERMANY AND AUSTRIA-HUNGARY

Albert (F. R.) Die Geschichte der Predigt in Deutschland bis Luther. II. Pp. 192. Gütersloh: Bertelsmann. 2·80 m.

Baden, Politische Correspondenz Karl Friedrichs von [1783–1806]. Bearbeitet von B. Erdmannsdörffer und K. Obser. III: [1797–1801]. Bearbeitet von K. Obser. Pp. lxi, 440. Heidelberg: Winter. 16 m.

Barge (H.) Die Verhandlungen zu Linz und Passau und der Vertrag von Passau [1552]. Pp. 161. Stralsund: Meinke. 2·50 m.

Bismarck (Fürst). Politische Reden. Historisch-kritische Gesammtausgabe, besorgt von H. Kohl. IV: [1868–1870]. Pp. 458. Stuttgart: Cotta. 8 m.

Braun (S.) Naumburger Annalen [799–1613]. Herausgegeben von Köster. Naumburg: Sieling. 3·50 m.

Cologne.—Kölner Schreinsurkunden des zwölften Jahrhunderts; Quellen zur Rechts- und Wirthschaftsgeschichte der Stadt Köln: herausgegeben von R. Hoeniger. (Publikationen der Gesellschaft für rheinische Geschichtskunde. I.) II, 1. Pp. 323. Bonn: Weber. 4to. 17·50.

Engel (B.) & Hanstein (R. von). Danzigs mittelalterliche Grabsteine. (Abhandlungen zur Landeskunde der Provinz Westpreussen. IV.) Danzig: Bertling. 6 m.

Goslar.—Urkundenbuch der Stadt Goslar und der in und bei Goslar belegenen geistlichen Stiftungen. Bearbeitet von G. Bode. I: [922–1250]. (Geschichtsquellen der Provinz Sachsen und angrenzender Gebiete. XXIX.) Pp. 681, plates. Halle: Hendel. 16 m.

Greifswald.— Aeltere Universitäts-Matrikel. II: Universität Greifswald. I: [1456–1645]. (Publicationen aus den königlich preussischen Staatsarchiven. LII.) Pp. 635. Leipzig: Hirzel. 20 m.

Guglia (E.) Leopold von Rankes Leben und Werke. Pp. 424. Leipzig: Grunow. 4·50 m.

Hansische Gesandtschaft, Eine, an den kaiserlichen Hof zu Prag [1628]; Bericht des braunschweigischen Syndicus H. Baumgart, herausgegeben von H. Mack. Wolfenbüttel: Zwissler. 2·80 m.

Hessisches Urkundenbuch. 2. Abth. Urkundenbuch zur Geschichte der Herren von Hanau und der ehemaligen Provinz Hanau, von H. Reimer. II: 1301–1349. (Publicationen aus den königlich preussischen Staatsarchiven. LI.) Pp. 870, plate. Leipzig: Hirzel. 18 m.

Hirsch (A.) Geschichte der medicinischen Wissenschaften in Deutschland. (Geschichte der Wissenschaften in Deutschland. Neuere Zeit. XXII.) Munich: Oldenbourg. 9·50 m.

Immich (M.) Die Schlacht bei Zorndorf am 25. August 1758. Pp. 156, maps. Berlin: Speyer & Peters. 3·50 m.

Kiel.—Das älteste Kieler Rentebuch [1300–1487], bearbeitet von C. Reuter. Pp. cxii, 423, map. Kiel: Eckardt. 9 m.

Kleinschmidt (A.) Geschichte des Königreichs Westfalen. (Geschichte der europäischen Staaten. LIV, 1.) Gotha: Perthes. 12m.

Lehmann (M.) Preussen und die katholische Kirche seit 1640, nach den Acten des geheimen Staatsarchives. VI: [1786–1792]. (Publicationen aus den königlich preussischen Staatsarchiven. LIII.) Pp. 594. Leipzig: Hirzel. 16 m.

Lindner (T.) Deutsche Geschichte unter den Habsburgern und Luxemburgern [1273–1437]. II: Von Karl IV bis zu Sigmund; die allgemeinen Zustände. Pp. 429, map. Stuttgart: Cotta. 6 m.

Lotz (W.) Die drei Flugschriften über den Münzstreit der sächsischen Albertiner und Ernestiner um 1530, in Uebersetzung herausgegeben und erläutert von. Leipzig: Duncker & Humblot. 2 m.

Ludewig (G.) Die Politik Nürnbergs im Zeitalter der Reformation [1520–1534]. Pp. 156. Göttingen: Vandenhoeck & Ruprecht. 3·50 m.

Monumenta Germaniae historica. Scriptores qui vernacula lingua usi sunt. V, 2. Pp. cxxv, 722–1439. Hanover: Hahn. 4to. 28 m.

Müller (W.) Johann Leopold von Hay: ein biographischer Beitrag zur Geschichte der Josefinischen Kirchenpolitik. Pp. 92, portr. Vienna: Graeser. 2 m.

Neumann (F. J.) Beiträge zur Geschichte der Bevölkerung in Deutschland seit dem Anfange dieses Jahrhunderts, herausgegeben von. IV. Pp. 225. Tübingen: Laupp. 8 m.

Reitzenstein (K., Freiherr von). Der Feldzug des Jahres 1622 am Oberrhein und in Westfalen bis zur Schlacht von Wimpfen. II. Munich: Zipperer. 3·20 m.

Rieker (K.) Die rechtliche Stellung der evangelischen Kirche Deutschlands in ihrer geschichtlichen Entwickelung bis zur Gegenwart. Pp. 488. Leipzig: Hirschfeld. 10 m.

Struck (W.) Die Schlacht bei Nördlingen [1634]. Pp. 106, maps. Stralsund: Regierungs-Buchdruckerei. 3 m.

Traut (H.) Kurfürst Joachim II von Brandenburg und der Türkenfeldzug vom Jahre 1542. Pp. 157, map. Gummersbach: Luyken. 3·75 m.

Volz (B.) Grossherzog Friedrich Franz II von Mecklenburg-Schwerin. Pp. 302, plates. Wismar: Hinstorff. 4 m.

WETZEL (E.) Das Zollrecht der deutschen Könige von den ältesten Zeiten bis zur goldenen Bulle. (Gierke's Untersuchungen zur deutschen Staat- und Rechts geschichte. XLIII.) Pp. 144. Breslau: Koebner. 4·80 m.

C. GREAT BRITAIN AND IRELAND

ALIENS in England, Letters of denization and acts of naturalisation for, [1509–1603]. Ed. by W. Page. (Publications of the Huguenot Society of London. VIII.) Pp. lv, 258. Lymington: Printed for the Society. 4to.

ASHLEY (W. J.) An introduction to English economic history and theory. II: The end of the middle ages. Pp. 501. London: Longmans. 10/6.

BARRETT (C. R. B.) The Trinity House of Deptford Strond. Pp. 159, illustr. London: Lawrence & Bullen. 12/6.

BIOGRAPHY, Dictionary of National. Ed. by S. Lee. XXXV: *MacCarwell—Maltby*. Pp. 447. London: Smith, Elder, & Co. 15/.

BROWN (P. Hume). Scotland before 1700, from contemporary documents. Pp. 366. Edinburgh: Douglas. 14/.

BUSHELL (W. D.) Harrow octocentenary tracts. I: Early charters, with notes. Pp. 27. Cambridge: Macmillan. 1/.

CHARLES I, Calendar of state papers, domestic series, of the reign of, [1648–1649]. Ed. by W. D. Hamilton. Pp. 507. London: H.M. Stationery Office. 15/.

COLLINS (J. C.) Jonathan Swift, a biographical and critical study. London: Chatto & Windus. 8/.

DUBLIN.—Registers of the French conformed churches of St. Patrick and St. Mary, Dublin. Ed. by J. J. D. La Touche. (Publications of the Huguenot Society of London. VII.) Pp. 312. Dublin: Thom. 4to.

FROST (J.) The history and topography of the county of Clare. Dublin: Sealy. 11/.

GLYNNE (the late sir Stephen R.) Notes on the churches of Lancashire, ed. by J. A. Atkinson. Pp. 127. Manchester: Printed for the Chetham Society. 4to.

GORDON (sir A.) The earl of Aberdeen. Pp. 352. London: Low. 3/6.

HUTCHISON (M.) The reformed presbyterian church of Scotland [1680–1876]. Pp. 450. Paisley: Parlane. 5/.

LANCASHIRE & Cheshire wills and inventories [1572–1696], now preserved at Chester, with an appendix of Lancashire and Cheshire wills and inventories proved at York or Richmond [1542–1649], ed. by J. P. Earwaker. Pp. 252. Manchester: Printed for the Chetham Society. 4to.

LOCK (W.) John Keble: a biography. Pp. 242, portr. London: Methuen. 5/.

LUCKOCK (H. M.) The church in Scotland. Pp. 384. maps. London: Gardner, Darton, & Co. 6/.

MARTIN (A. P.) Life and letters of Robert Lowe, viscount Sherbrooke. 2 vol. Portr. London: Longmans. 36/.

NORMAN (P.) London signs and inscriptions. With introd. by H. B. Wheatley. Pp. 237, illustr. London: Stock.

O'CLERY (L.) The life of Hugh Roe O'Donnell [1586–1602]. With introd. by D. Murphy. Dublin: Sealy. 4to. 11/.

PATENT rolls, Calendar of the, preserved in the Public Record Office. Edward I: [1281–1292]. Pp. 706. London: H.M. Stationery Office. 15/.

PAYNE (J. O.) St. Paul's cathedral in the time of Edward VI; being a short account of its treasures, from a document in the Public Record Office. Pp. xxix, 30. London: Burns & Oates. 2/6.

PEPYS (Samuel). Diary, with lord Braybrooke's notes; ed. with additions by H. B. Wheatley. I. Pp. lxvii, 367, portr. London: Bell. 10/6.

PRIVY council of England, Acts of the. New series. VI: [1556–1558]. Ed. by J. R. Dasent. Pp. 504. London: H.M. Stationery Office. 10/.

ROBINSON (E. F.) The early history of coffee houses in England, with a bibliography. Pp. 240, illustr. London: Paul, Trübner, & Co. 6/.

ROBINSON (J. R.) Memoir of James Brydges, paymaster-general to the forces abroad [1705–1711], afterwards the first duke of Chandos. Pp. 240, illustr. London: Low. 12/6.

ROSS OF BLADENSBURG (major). The marquess of Hastings. Pp. 226, portr. and map. Oxford: Clarendon Press. 2/6.

SALISBURY (marquis of), Calendar of the manuscripts of the. IV. (Historical Manuscripts Commission.) London: H.M. Stationery Office. 2/11.

SELBY abbey, The coucher book of; ed. by J. T. Fowler, with an architectural description of the church by C. C. Hodges. II. (Yorkshire Archæological and Topographical Association. Record Series. XIII.) Pp. lviii, 434. Printed for the Society.

WALKER (colonel the rev. George). The siege of Londonderry [1689], as set forth in the literary remains of. Ed., with notes, by P. Dwyer. Pp. 256. London: Stock. 4to. 16/.

WALLACE (W.) Life of St. Edmund of Canterbury, from original sources. Pp. 670. London: Paul, Trübner, & Co. 15/.

WISHART (bishop George). The deeds of Montrose; the memoirs of James, marquis of Montrose [1639–1650]. Transl. with introd. and notes, and the original Latin (part II now first published), by A. D. Murdoch & H. F. M. Simpson. Portr. and maps. London: Longmans. 4to. 36/.

D. ITALY

Benadduci (G.) Della signoria di Francesco Sforza nella Marca e peculiarmente in Tolentino [1433–1447]. Pp. 398, cxv. Tolentino: Filelfo. 6 l.

Bisticci (Vespasiano da). Vite di uomini illustri del secolo XV. Rivedute sui manoscritti da L. Frati. II. Pp. 339. Bologna: Romagnoli Dall' Acqua. 8 l.

Brown (Horatio F.) Venice: an historical sketch of the republic. Pp. 456, maps. London: Percival. 16/.

Forcella (V). Iscrizioni delle chiese e degli altri edifici di Milano dal secolo VIII ai giorni nostri, raccolte da. XII: Indici. Pp. 200. Milan: Prato. 15 l.

Gnoli (D.) Le cacce di Leon X. Pp. 60. Rome: tip. della Camera dei Deputati.

Grottanelli (L.) Alfonso Piccolomini: storia del secolo XVI. Pp. 179. Florence: tip. Cellini.

Natali (F.) Lo stato libero di Cospaia nell' alta valle del Tevere [1440–1826]. Pp. 176. Umbertide: tip. Tiberino.

Ottolenghi (G.) Appunti e documenti sulla riforma militare di Emanuele Filiberto. Pp. 117. Casale: tip. Casalese. 2 l.

Overmann (A.) Die Besitzungen der Grossgräfin Mathilde von Tuscien, nebst Regesten ihrer Urkunden. Pp. 87. Berlin: Mayer & Müller. 2 m.

Perrens (F. T.) La civilisation florentine du treizième au seizième siècle. Pp. 255. Paris: May & Motteroz. 4 fr.

Porzio (C.) La congiura dei baroni del regno di Napoli contro il re Ferdinando I. Pp. 165. Verona: Tedeschi. 16mo. 1 l.

Ricasoli (B.) Lettere e documenti, pubblicati per cura di M. Tabarrini e A. Gotti. VIII. Florence: Le Monnier.

Telesca (A.) Documento inedito sopra i fatti politici di Avigliano durante la repubblica partenopea [1799]. Pp. 70. Potenza: tip. Pomarici.

E. OTHER COUNTRIES

Alin (O.) Carl XIV Johan och rikets ständer 1840–1841. Pp. cxlvi, 271. Stockholm. 8 m.

Barfod (F.) Danmarks Historie [1536–1670]. IV. Copenhagen. (6.50 m.)

Bernensium, Fontes rerum. Bern's Geschichtsquellen. VII, 4: [1334–1353], mit Register. Pp. 722, 68. Bern: Schmid, Francke, & Co.

—— Chronologisches Verzeichniss der Urkunden für die Bände I–VII. Pp. 360. Bern: Schmid, Francke, & Co. 12 fr.

Bohemiae et Moraviae, Regesta diplomatica nec non epistolaria. IV: [1333–1346], opera J. Emler. VI. Prague: Valečka. 4to. 5 m.

Bonstetten (A. von). Briefe und ausgewählte Schriften, herausgegeben von A. Büchi. (Quellen zur Schweizer Geschichte. XIII.) Basel: Geering. Pp. 288.

Breslau. — Politische Correspondenz Breslaus im Zeitalter des Königs Matthias Corvinus. I: [1469–1479]. Herausgegeben von B. Kronthal und H. Wendt. (Scriptores rerum Silesiacarum. XIII.) Breslau: Max. 4to. 7 m.

Büdinger (M.) Mittheilungen aus spanischer Geschichte des sechzehnten und siebzehnten Jahrhunderts. Pp. 24, plate. Vienna: Tempsky. 1 m.

Cracow.—Acta rectoralia almae universitatis studii Cracoviensis inde ab anno 1469. Ed. W. Wislocki. I, 1. Pp. 160. Cracow: Buchhandlung der polnischen Verlags-Gesellschaft. 3 m.

Dalton (H.) Zur Geschichte der evangelischen Kirche in Russland. I. Bischof Ritschls Mitarbeit an dem Gesetz für die lutherische Kirche in Russland. II: Hugenotten in Russland. Pp. 71. Leipzig: Duncker & Humblot. 1·40 m.

Jimenez de Rada (arzobispo don Rodrigo). Crónica de España, tradújola en castellano y la continuó hasta su tiempo D. Gonzalo de la Hinojosa, obispo de Burgos, y despues un anónimo hasta el año de 1451. (Colección de documentos inéditos para la historia de España. CV.) Pp. 509. Madrid: Murillo. 4to. 13 pes.

Morets (José de). Anales del reino de Navarra. XII. Pp. 122–229. Tolosa: Lopez. 4to. 6 pes.

Oechsli (W.) Quellenbuch zur Schweizergeschichte. Neue Folge. Pp. 566. Zürich: Schulthess.

Oxenstiernas (rikskansleren Axel) skrifter och brefvexling. Senare atdelningen band V: Jakob de la Gardies bref [1611–1650]. Pp. 640. Stockholm: Norstedt. 8 kr.

Parets (Miguel). De los muchos sucesos dignos de memoria que han ocurrido en Barcelona y otros lugares de Cataluña [1626–1660]. V: [Noviembre 1641–Junio 1652]. (Memorial histórico español. XXIV.) Pp. 488. Madrid: Murillo. 4to. 4·50 pes.

Petrelli (T. J.) Anteckningar om svenska och finska fanor och standar under konungarna Karl X Gustav och Karl XI, intill 1686. Pp. 164, 34. Stockholm. 7·50 m.

Pisani (P.) La Dalmatie de 1797 à 1815: épisode des conquêtes Napoléoniennes. Pp. xxxi, 490, plates. Paris.

Posen, Stadtbuch von. I. Ed. by A. Warschauer. Posen: Jolowicz. 12 m.

Ryckel (A. de). Les communes de la

province de Liège: notices historiques. Pp. 664. Liège: Demarteau. 16mo. 4 f.

SAGARMINAGA (F. de). El gobierno y régimen foral del señorío de Viscaya desde el reinado de Felipe II hasta la mayor edad de Isabel II. VIII. Pp. 697. Madrid: Murillo. 4to. 12 pes.

SCHIRRMACHER (F. W.) Geschichte von Spanien. VI. (Geschichte der europäischen Staaten. LIV, 2). Pp. 733. Gotha: Perthes. 16 m.

SWEDEN.—Handlingar rörande Sveriges historia. Tredja serien. VII: [1637–1639]. Pp. 161. Lund. 7 m.

—— Sveriges ridderskaps och adels riksdags-protokoll. X: [1668]. Ed. by S. Bergh. Pp. 615. Stockholm: 11·50 m.

TIDEMAN (J.) Studiën en schetsen op het gebied van de geschiedenis en de letterkunde van Nederland. Pp. 308. The Hague: Langenhuysen, 1·75 fl.

UTRECHT.—Bullarium Trajectense. Romanorum pontificum diplomata quotquot olim usque ad Urbanum papam VI [1378] in veterem episcopatum Trajectensem destinata reperiuntur. Collegit et edidit G. Brom. II, 1. Pp. 1–120. The Hague: Nijhoff. 4to.

WASSILTCHIKOW (A.) Les Razoumowski. I: Les comtes Alexei et Kirill Razoumowski. Edition française par A. Brückner. Pp. 310, portraits. Halle: Tausch & Grosse. 30 m.

WAUTERS (A.) Table chronologique des chartes et diplômes imprimés concernant l'histoire de Belgique. VIII: [1301–1320]. Pp. 929. Brussels: Hayez. 4to. 15 f.

ZABÁLBURU (F. de) & SANCHO RAYÓN (J.) Nueva colección de documentos inéditos para la historia de España y de sus Indias. I. Pp. 385. Madrid: Hernández. 4to.

VI. AMERICAN AND COLONIAL HISTORY

ANDREWS (W. L.) The Bradford map: the city of New York at the time of the granting of the Montgomerie charter. Pp. 114, illustr. New York: Francis. (150/.)

ANTÓN (M.) Antropología de los pueblos de América, anteriores al descubrimiento. Pp. 47. Madrid: Rivadeneyra. 4to.

COLOMBIA, Constitution of the republic of. With an historical introduction. Transl. by B. Moses. Pp. 70. Philadelphia: American Academy of Political and Social Science. (2/6.)

COLUMBUS (Christopher). Letter on the discovery of America: facsimile with translation, and reprint of the oldest four editions. Pp. 61. New York: Printed by order of the trustees of the Lennox Library. (2/6.)

HODDER (E.) The history of South Australia. 2 vol. Maps. London: Low. 24/.

KRAUSHAR (A). Dzieje Krzysztofa z Arciszewa Arciszewskiego, Admirała i wodza Hollendrow w Brazylii, starszego nad armadą koronną za Władysława IV i Jana Kazimierza [1592–1656]. 2 vol. Pp. 388, 401, portr. and maps. Warsaw. (12 m.)

LEÓN PINELO (A. de). Tablas cronológicas de los reales consejos supremosy de la cámara de las Indias Occidentales. Pp. 55. Madrid: Murillo.

MITRE (B). The emancipation of South America: condensed transl. by W. Pilling of the History of San Martin. Pp. 512, maps. London: Chapman & Hall. 12/.

MORSE (J. T.) Life of Abraham Lincoln, 2 vol. Portr. and map. Boston.

NEW HAMPSHIRE, Early state papers of [1784–1787]. Ed. by A. S. Batchellor. XX. Pp. 930. Manchester, New Hampshire: Clarke. 4to.

PIERCE (E. L.) Memoir and letters of Charles Sumner. III, IV: [1845–1874]. Portr. London: Low. 36/.

WILSON (W.) Division and reunion [1829–1889]. (Epochs of American History.) Pp. 326, 5 maps. London: Longmans. 3/6.

Contents of Periodical Publications

I. FRANCE

Annales de l'Ecole Libre des Sciences Politiques, viii. 2. *April*—E. Boutmy: *Hippolyte Taine* [a memorial article].——C. Borgeaud: *The establishment and the revision of the constitution in the United States of America* [a portion of a forthcoming work on this subject].——D. Zolla: *Variations in the rent and price of land in France during the seventeenth and eighteenth centuries.*

Bibliothèque de l'Ecole des Chartes, liv. 1, 2. *January–April*—E. Berger: *Henry III's invasion of Brittany* [1230; a detailed account of his preparations and a narrative of the expedition, largely based on materials in the public record office].——L. H. Labande: *Historical data from the Roman ceremonial of Giacomo Caetani Stefaneschi* [printing the list of perquisites on the consecration of prelates; the account of the canonisation of St. Thomas of Cantelupe, bishop of Hereford, 1320, and of St. Peter Celestine (Celestine V), 1313; the ceremonial for the coronation of the king of France, and for that of Charles II of Sicily, 1289].——C. de Grandmaison: *The results of the excavations at St. Martin's at Tours*, made in 1886 [showing the earliest portion to date from the tenth century].——G. Demante: *The formula, 'Car tel est notre plaisir'* [agreeing with L. de Mas Latrie that 'bon plaisir' is a late phrase, but arguing against him that the change was made with the view of softening the expression of command].——A. Morel-Fatio: *The chronicle of San Juan de la Peña* [describing a manuscript of the Aragonese chronicle now at Paris (Bibl. Nat., Nouv. Acq. Lat. 1684), formerly used by Zurita and Blancas].——A. Lefranc: *The origin of the Ecole des Chartes* [an extract from the writer's 'Histoire du Collège de France,' describing a scheme for the foundation of a school of history and geography under the first empire].——J. Lemoine prints an *order of John V duke of Brittany* [1426] *in favour of Robert Blondel and Robert Regnault* [who had written in Latin and translated into French 'une certaine et belle epistole'].——A. Isnard: *Achille Le Vavasseur* [† 10 Jan. 1893].

La Révolution Française, xxiv. 2. *February*—C. Port: *Cathelineau* [showing that Cathelineau was never elected general in chief of the Vendean army, and that his importance is exaggerated].——F. A. Aulard: *Danton in the district of the Cordeliers and in the commune of Paris* [showing that Danton first became president of the Cordeliers in October 1789, and did not sit in the provisional commune till 23 Jan. 1790; and describing his quarrel with the Chatelet in March 1790, and with the commune in November 1789].——A. Lods prints a *letter of Jean-bon Saint-André* [18 June 1793, containing reflexions on the conduct of the Gironde after May 31].——A. Brette prints a *contemporary narrative of the events of 16 May–15 July 1789* [written by a secret agent at Paris or Versailles probably for one of the ministers who was dismissed after the fall of the Bastille].——**3.** *March*—C. L. Chassin: *La Vendée patriote* [describing general Boulard's campaign with the army of Sables, 8–22 April 1793], with several new documents.——F. A. Aulard: *Danton at the club of the Cordeliers and in the department of Paris* [April 1790–May 1791; showing that Danton resigned his post as commander of the battalion of the Cordeliers in November 1790, and could not have led it on 10 August].——J. Viguier: *Masséna and the return from Elba* [on the whole favourable to Masséna].——T. Lemas: *The mission of Cherrier and Laurenceot in the Cher* [1794].——**4.** *April*—T. Lemas: *The mission of Cherrier and Laurenceot*, concluded.——F. A. Aulard: *Danton in 1791 and 1792* [showing that Danton was not the founder of the republican party, or the leader of the extremists in 1791].——J. Flammermont: *Another text falsified by M. de Bacourt* [a despatch addressed to the cabinet of Vienna by the count de Mercy-Argenteau

in the 'Correspondance de Mirabeau et La Marck,' iii. 347, shown to be altered by comparison with the original in the Imperial Archives of Vienna].——F. THÉNARD: *Alquier and the massacres of Versailles* [arguing that Alquier's interview with Danton is fictitious].==5. *May*—F. A. AULARD: *Danton and the revolution of* 10 *August* 1792.——E. CHARAVAY: *General Dumesny* [who commanded a column at Neerwinden and assisted Hoche to disarm the Chouans].——L. LEVY: *Jeanbon Saint-André*, from documents found at Montauban.——E. DRIAULT: *A national agent at Alençon* [during the Terror].——*Letters of Noel to Danton* [May 1793–January 1794; when Noel was ambassador at Venice, and gave information as to the attitude of Switzerland in 1792].

Revue Critique d'Histoire et de Littérature, 1893, 13. 27 *March*—H. PIRENNE: *Hegel's 'Städte und Gilden der germanischen Völker.'*==14. 3 *April*—E. D'EICHTHAL: *Dickinson's 'Revolution and reaction in modern France.'*==19. 8 *May*—G. MASPERO: *Petrie's 'Medum.'*==20. 15 *May*—G. MASPERO: *Naville's 'Bubastis.'*==22. 29 *May*—G. MASPERO: *The Tell el-Amarna tablets* [on the editions by Bezold and Budge].==23. 5 *June*—J. HALÉVY: *The Hittites* [dealing with recent literature on the subject].——T. DE L.: *Port's 'Légende de Cathelineau.'*==24. 12 *June*—T. REINACH: *Babelon's 'Catalogue des monnaies grecques de la Bibliothèque Nationale,'* ii.==25. 17 *June*—R. DUVAL: *Hallier on the Edessene chronicle.*

Revue des Etudes Juives, No. 50. *October.*—A. LEVI: *Notes on the history of the Jews in Saxony.*

Revue Historique, li. 2. *March*—X. MOSSMANN: *The French in Alsace after the peace of Westphalia*, second article [based chiefly on documents in the Colmar archives and relating to the position of the towns of Hagenau].——F. T. PERRENS: *A passage in the history of Port-Royal* [dealing with a mémoire addressed by Sébastien Zamet, bishop of Langres, to cardinal Richelieu, and recently discovered in manuscript], first article [on Zamet, Angélique Arnauld abbess of Port Royal, and the abbé de Saint-Cyran].——The late A. DESCLOZEAUX: *Critical remarks on the 'Economies Royales.'* I: Maximilien de Béthune, baron de Rosny. II: The year 1576.——Baron A. DU CASSE prints the *journal, including correspondence, of queen Catherine of Württemberg*, continued [6–16 July 1818].==lii. 1. *May*—F. T. PERRENS: *Port-Royal*, concluded.——A. DESCLOZEAUX: *Critical notes on the 'Economies Royales.* III: The fighting near Arques [1589]; the battle of Ivry [1590].——P. DUPUICH: *A criminal trial in the seventeenth century* [concerning the abduction of Mademoiselle Charlotte de Calvière from the convent of Ursulines at Montpellier, in 1658].——VAUCHELET: *General Gobert*, continued from vol. l. 2, and concluded.——Baron A. DU CASSE continues the *journal, &c., of queen Catherine of Württemberg* [printing letters, one (undated) to tsar Alexander of high autobiographical value], concluded.——G. MONOD: *Hippolyte Taine* [† 5 March].

Revue des Questions Historiques, liii. 2. *April.*—P. VIREY: *The influence of Egypt on ancient religious beliefs.*——The late S. LUCE: *Bertrand du Guesclin in Normandy*; the siege and capture of Valognes [1364].——M. DE LA ROCHETERIE: *Marie-Antoinette and the emperor Joseph's II dispute with Holland* [concerning the opening of the Scheld, 1784–1785].——L. SCIOUT: *The bankruptcies of the directory.*——R. LAMBELIN: *New documents on the history of Mary queen of Scots* [from the calendared Belvoir papers].——P. FABRE and P. BATIFFOL dispute concerning the supposed *bulls of Calixtus II* [1121–1122; the genuineness was contested by the latter in vol. li. 1 of the 'Revue'].

Société de l'Histoire du Protestantisme Français. Bulletin historique et littéraire, **xlii. 2, 3.** *February–March*—N. WEISS prints *documents relating to the protestants at Caen in* 1690.——C. READ: *Dr. Jean de Rostagny and his squibs against the protestants* [1685], two articles.—A. DUPIN DE SAINT-ANDRÉ: *Extinct protestant churches in Touraine*; Chinon and L'Ile Bouchard.——N. WEISS prints *reports concerning the protestants imprisoned at Paris* [1695–1710].==*April*—A. LODS: *Rabaut-Pomier* [1744–1820] in connexion with the discovery of vaccination, his position in the Convention, and his exile in 1816.——C. PASCAL prints *two letters of Ruvigny* [1666, 1668].——C. L. FROSSARD prints *extracts illustrating the treatment of the protestants at Saint-Antonin* [1683, 1685–1688].

II. GERMANY AND AUSTRIA

Archiv für Literatur- und Kirchengeschichte des Mittelalters (Freiburg), **vii. 1, 2.**—F. EHRLE prints *new materials for the history of Peter of Luna (Benedict XIII)*, continued [thirty-one documents ranging from 1397 to February 1405] and the *chronicle of Garoscus de Ulmoisca Veteri and Bertrand Boysset*

[1365–1415. This chronicle, hitherto known only by extracts and an unsatisfactory edition, is here published from Boysset's autograph manuscript and enriched with notes (e.g. the itineraries of Urban V and Gregory XI from Avignon to Rome, printed from the accounts of the papal chamber). Father Ehrle considers the chronicle to be the work of two writers; two narratives of the Roman journeys of Urban V and Gregory XI and an account of the election of Urban VI, all in Latin, being by Garoscus, and the rest of the work, almost wholly in Provençal, being by his editor Bertrand Boysset].

Bayerische Akademie der Wissenschaften (Munich), **1892.** 4.—K. von Maurer: *The confession of Christian faith in the law books of the time of king Magnus Lagaboetir.*——S. Riezler: *Naimes of Bavaria and Ogier the Dane* [in the Roland legends; investigating the traces of their origin in Bavarian history].

Byzantinische Zeitschrift (Leipzig), **i. 3, 4.**—M. Treu prints a *letter of Constantine Akropolites* [criticising the 'Timarion,' with notes on his biography].——C. Neumann: *On the documentary materials for the history of the relations between the Byzantine empire and Venice*, particularly in the age of the Comnenes [dealing with the diplomatic features of the golden bulls of 992, 1147 and 1148, 1187 and 1189, and 1198].——K. Praechter: *The classical sources of Theophylact of Bulgaria* [illustrating his range of literary culture].——J. Dräseke: *Nicolas of Methone* [his life and theological teaching, supplementing and correcting Ullmann and Gass. Nicolas's birth is placed in the last third of the eleventh century; his death probably before 1166].——P. N. Papageorgios describes an *ivory portrait of St. Demetrius* at Thessalonica, with an autotype plate.——C. Diehl: *The treasure and library of Patmos in the beginning of the thirteenth century*, printing an inventory of 1201 [the catalogue enumerates 267 manuscripts on parchment and 63 on cotton-paper (*βαμβυκινα*)].——L. Duchesne: *The ecclesiastical organisation of Illyricum* [down to Justinian].——S. P. Lambros prints the *deed of abdication of the patriarch Nikolaos Mystikos* [907, side by side with the abbreviated form given in the 'Vita Euthymii'].——J. B. Bury: *A source of Symeon Magister* [suggesting that he used the 'Scriptor incertus de Leone'].——C. de Boor: *On Theophanes* [on his disturbance of the chronological order on p. 170].——T. Büttner-Wobst: *On the history of the text of Zonaras* [in supplement to his article in the preceding number].

Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **ix. 1.**—E. Heydenreich: *Constantine the Great in medieval legends.*——E. Krüger: *On Henry I's descent from the Carolings* [traced anew through Gisela, daughter of Lewis the Pious].——A. Stern: *The Prussian constitutional question in* 1817 *and the tour of inquiry of Altenstein, Klewiz, and Beyme.*——K. Maurer: *On the beginnings of the Norwegian church* [in connexion with Taranger's work on the influence of the Anglo-Saxon church on the Norwegian].——R. F. Kaindl: *Notes on the 'Passio s. Adalperti martiris.'*——J. Loserth: *Recent literature upon Wycliffe.*——J. von Gruner: *Gneisenau, Chasot, Boyen, and Dohna in Austria* [after the Prussian alliance with Napoleon in 1812].——T. Lindner and O. Heuer dispute concerning the *electoral union at Bingen* [1424 or 1427].——W. Michael: *Recent literature on English history since* 1485.

Göttingische Gelehrte Anzeigen, 1893. 7. 1 *April.*—R. L. von Salis: *Wyss's 'Abhandlungen zur Geschichte des schweizerischen öffentlichen Rechts.'* ==8. 15 *April.*—L. Weiland: *Neuburg's 'Goslars Bergbau bis* 1552.'——H. Wartmann: *Escher and Schweizer's 'Urkundenbuch der Stadt und Landschaft Zürich.'*——N. Bonwetsch: *Gietl's 'Sentenzen Rolands nachmals Papstes Alexander III.'*==9. 1 *May.*—B. Niese: *Geffcken's 'Timaios' Geographie des Westens.'*——K. J. Neumann: *Gardthausen's 'Augustus und seine Zeit.'*——T. Schott: *Marcks' 'Gaspard von Coligny.'*==12. 10 *June.*—G. Köhler: *Baltzer's 'Danziger Kriegswesen im vierzehnten und siebzehnten Jahrhundert.'*——A. Baur: *Rébelliau's 'Bossuet, historien du protestantisme.'*

Historisches Jahrbuch (Munich), **xiv. 2.**—S. Bäumer: *On the 'Sacramentarium Gelasianum'* [arguing that it represents a pre-Gregorian rite introduced into Gaul in the course of the sixth century].——H. Grauert: *On the accounts of the entombment of Charles the Great* [giving examples, specially Byzantine, of the practice of entombing dignitaries in a sitting posture].——A. Meister: *The council of Cividale* held by Gregory XII in 1409 [printing an account of the third session of 28 June].

Historische Zeitschrift (Munich), **lxx. 1.**—K. Varrentrapp prints *fifteen letters of Samuel Pufendorf* [24 Aug. 1668–8 July 1690].——F. Meinecke: *General von Gerlach's diaries.*——P. Bailleu prints *correspondence of king Frederick William III and tsar Alexander I* [15 Oct. 1805–4 Jan. 1809].——H. von Sybel prints a *state paper of the prince of Prussia (the emperor William I)* in support of the policy of the union [19

May 1850].——2.—K. VARRENTRAPP continues his publication of *letters of Pufendorf* addressed to various persons [1690–1693].——H. VON SYBEL confutes the *story that Frederick the Great was the father of the empress Catharine.* ——G. MEYER VON KNONAU: *Survey of the historical publications commemorating the septingentenary of the confederation.*——*Report of general Müffling concerning the landwehr* [1821].

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xiv. 2.**—J. GMELIN: *The rule of the order of templars* [a detailed analysis of its contents, designed to furnish a basis for forming a judgment on the question of the guilt or innocence of the order].——A. BEER: *On Maria Theresa's fiscal policy and the creation of a uniform system of taxation.*——A. DOPSCH: *On the forgeries of Eberhard of Fulda* [giving reasons against the genuineness of Conrad I's dipl. 38]. F. ZIMMERMANN prints from a copy in the archives at Florence the *bull of John XXII* [1317], releasing Italy from its connexion with Germany and proposing a separation of Germany and France by a definite frontier.——L. VON THALLÓCZY: *Recent Hungarian literature on the history of North-Eastern Europe.*

Monatsschrift für Geschichte und Wissenschaft des Judenthums (Breslau), **xxxvii. 6, 7.**—D. KAUFMANN: *The ravaging of Ungarisch Brod by the Kuruzzen* [14 July 1683].

Nachrichten von der Königlichen Gesellschaft der Wissenschaften (Göttingen). **1893. 6.**—O. GÜNTHER prints *two speeches in support of St. Thomas Becket and of Henry II* [professing (the editor says) to have been delivered before Alexander III at Sens, November 1164, but in fact scholastic exercises. It may, however, be noticed that neither contains any certain indication of date or place.]——7.—A. KLUCKHOHN: *On the project for a peasants' parliament at Heilbronn and the constitutional schemes of Friedrich Weygandt and Wendel Hipler* [1525].——8.—F. FRENSDORFF: *Two collections of letters in the Welf Museum at Hanover* [written to Pütter by D. G. Strube, 1748–1763, and G. A. von Münchhausen, 1748–1770, and illustrating the history of the university of Göttingen and the learned society of the time].

Neues Archiv für Sächsische Geschichte und Altertumskunde (Dresden), **xiii. 3, 4.**—H. KNOTHE: *The destruction of the castle of Rohnau near Zittau by the Six Towns of Upper Lusatia* [1399].——S. ISSLEIB: *Maurice of Saxony in* 1547 *and* 1548.——A. VON WELCK: *Swiss mercenaries in the electoral service* [1656–1681], with documents.——H. E. HERMANN MÜLLER: *The 'Chronicon Citizense' by Paul Lang, monk of Bosau near Zeitz, and its sources*; a contribution to the historiography of the sixteenth century.——P. SAUPPE: *The monastery of Oybin in the fifteenth century* [partly from a Phillipps manuscript now at Metz].——T. DISTEL: *Notes on the reign of the elector Augustus* [1558–1586].——E. KROKER: *The bankruptcy of Leipzig and the Swedes in the city from* 1642.——H. ERMISCH prints the *earliest ordinance for the Kreuzschule in Dresden* [c. 1413].

Theologische Quartalschrift (Tübingen), **lxxv. 2.**—F. X. VON FUNK: *The history of the Easter fast in the early church.* ——P. SCHANZ: *On the history of modern protestant theology in Germany.* ——F. X. VON FUNK: *The fragments of the Gospel and Apocalypse of Peter.* ——N. PAULUS: *Paul Scriptoris* [1498], a supposed reformer before the reformation.

Theologische Studien und Kritiken (Gotha). **1893. 3.**—J. WEISS: *Jewish Christianity in the Acts of the Apostles, and the so-called apostolic council.*

Zeitschrift für Kirchengeschichte (Gotha), **xiv. 1.**—H. HAUPT: *Waldensianism among the German Bohemians* about 1340, printing extracts from three letters of Benedict XII [1341].——H. DECHENT: *The relations of the count of Zinzendorf to the Lutherans at Frankfurt-on-the-Main* [1719–1748].——J. HAUSSLEITER: *Notes on early church history* [new fragments of Irenaeus in Greek; the Acts of James the brother of the Lord].——O. SEEBASS prints, from a new collation of manuscripts and editions, and with various readings, the *Ordo sancti Columbani abbatis de vita et actione monachorum*; and discusses the authorship of the *letter on the Christian feasts* discovered by B. Krusch in the Paris MS. 16361 [no doubt Irish].——R. RÖHRICHT prints *two letters of James of Vitry* [1215–1217].——G. KNOD: *Brief notes on points connected with Reuchlin, Wimpfeling, Hutten, Erasmus, and Berus*, printing new materials.——N. MÜLLER: *Melanchthoniana* from Brandenburg and Venice.

III. GREAT BRITAIN AND IRELAND

Archæological Journal, No. 193.—E. PEACOCK: *Warnot and warlot* [names of lands].——W. LOVELL: *Queen Eleanor's crosses* [an account of the crosses and benefactions in memory of the funeral procession of December 1291].——A. VICARS: *Notes on an illuminated pedigree of the Peverell*

family.——J. L. André: *Widows and vowesses* [on opinions and customs adverse to the marriage of widows].——**194.**—J. Hirst: *On guildship in Anglo-Saxon monasteries.*——E. Venables: *Some account of the Roman colonnade discovered in Bailgate, Lincoln.*——A. L. Lewis: *Stone circles of Britain.*——J. Park Harrison: *Discoveries of early work in the fabric of Oxford cathedral.*——F. Haverfield: *Roman inscriptions in Britain discovered* 1890–1891.

Church Quarterly Review, No. 71. *April—The composition of the Hexateuch* [dealing with recent literature].——*Documentary discoveries in early church history since* 1887.——*Josephus and his testimony to New Testament history* [with a sketch of his life].——*The Verney papers.*

Dublin Review, New Series, **No. 5.** *April*—J. Moyes: *Early English pilgrimages to Rome* [previous to the Norman conquest].——W. Amherst: *The minute-book of the Cisalpine club* [from 1795 to its dissolution in 1830], with a list of members.——Mrs. Grange: *Charles I and the disaffection in the Spanish Netherlands* [1632, from the Hardwicke state papers].——M. M.: *Tosti's life of St. Benedict.*——P. Burton: *St. Augustine and the Donatists.*

Edinburgh Review, No. 364. *April—The colonial policy of France* [with an historical survey].——*The English parliament.*——*Fontainebleau.*——*Captain Mahan's 'Influence of Sea Power upon the French Revolution and Empire.'*——*The letters and journals of lady Mary Coke,* iii. [chiefly on the continent, 1769–1771].

Jewish Chronicle. 12 *May*—M. D. Davis: *Jacob ben Judah, chazan in London* 1287, suggesting several identifications, the most probable being perhaps that with the son of Leo (Judah) mentioned in rolls of 1273 and 1283].

Jewish Quarterly Review, No. 19. *April*—D. Kaufmann: *The 'Etz Chayim' of Jacob ben Jehudah of London, and the history of his manuscript,* continued].——F. C. Conybeare: *On the Jewish authorship of the 'Testaments of the twelve Patriarchs.'*——K. Kohler: *The pretalmudic Haggadah.*——I. Abrahams: *Samuel Portaleoni's proposed restrictions on games of chance in Italy* [*c.* 1630], with a document.——R. Gottheil: *On the Italian family Almanzi.*

Law Quarterly Review, No. 33. *January*—F. W. Maitland: *Taltarum's case* [showing the name to have been 'Talcarum' or 'Talkarum'].——Sir A. C. Lyall: *The land-systems of British India* [on B. H. Baden Powell's work].——F. W. Maitland: *The survival of archaic communities* [arguing that many supposed 'survivals' are comparatively modern. Examples are taken from the cases of boroughs owning land, and that of Malmesbury is dealt with in detail].——E. Jenks: *On the early history of negotiable instruments* [Lombard modes of conveyance and contract, and their influence; medieval bonds; bills of exchange (from 1339)].——**34.** *April*—F. A. Greer: *Custom in the common law.*

Quarterly Review, No. 352. *April—The life and speeches of sir Henry Maine.*——*John Arbuthnot* [on G. A. Aitken's 'Life'].——*Literary discoveries in Egypt* [on the Tell-el-Amarna tablets].——*Fra Paolo Sarpi.*——*The battle of La Hogue, and maritime war.*——*Travels in the Mogul empire* [in the seventeenth century].

Scottish Review, No. 42. *April*—P. Hume Brown: *George Buchanan and the inquisition* [giving an account, from unpublished documents, of his trial in 1550–1551 during his residence in Portugal].——J. B. Bury: *The wandering of the nations* [on T. Hodgkin's 'Italy and her Invaders'].——J. Beddoe: *The anthropological history of Europe,* fifth lecture.——The marquess of Bute: *Brendan's fabulous voyage.*——J. D. Cockburn: *Beginnings of the Scottish newspaper press* [1659–1799].

IV. ITALY

Archivio Storico Italiano (Florence), **5th Series. xi. 1.**—A. Bardi: *Charles V and the siege of Florence* [1529–1530], from transcripts in the archives at Brussels [printing letters and despatches relative to the emperor's coronation at Bologna, the mission of Louis de Praet to Rome, and the operations against Florence].——F. Novati: *Filippo Guazzalotti, a Tuscan adventurer of the fourteenth century.*——A. Giorgetti prints a *parchment bull of Benedict VIII* [1017, conferring a grant of land at Rome].——C. Carnesecchi: *Pierfilippo Pandolfini, vicar of Firenzuola* [1472].——L. Frati describes a *collection of political letters* [1380–1407] preserved at Bologna.

Archivio Storico Lombardo (Milan), **xx. 1.**—M. Borsa: *Pier Candido Decembri* [born 1399] *and the history of humanism in Lombardy,* first article.——G. B. Intra: *Ippolito Capilupi, bishop of Fano* [1511–1580], *and his time.*——E. Motta: *Demetrio Calcondila the publisher* [at Florence and Milan, †1511], with notices of other Greek scholars, Demetrio Castreno, Costantino

Lascaris, and Andronico Callisto, and documents [1462–1500].——P. Ghinzoni prints a *document relating to the completion of the Naviglio Grande* at Milan [1297].——D. Sant' Ambrogio: *Notes on Milanese antiquities.*

Archivio Storico per le Province Napoletane, xviii. 1.—E. Nunziante: *The first years of Ferdinand of Aragon and the invasion of John of Anjou*, fourth article [June–August, 1458].——M. Schipa: *The duchy of Naples*, fifth article [877–898].——E. Celani prints *documents from the Vatican archives illustrating the history of the county of Celano* [1184–1594, the earliest being an unpublished bull of Lucius III, of which a facsimile is here given].——N. Barone: *Lucio Giovanni Scoppa, the Neapolitan grammarian* [living in 1549].——B. Capasso: *The topography of Naples in the eleventh century*; fifth article: The secular buildings.

Archivio della R. Società Romana di Storia Patria, xv. 3, 4.—G. Monticolo: *King Liutprand's expeditions in the Exarchate, and the letter of pope Gregory III to doge Orso* [defending the authenticity of the latter].——B. Fontana prints *documents from the Vatican archives relating to the suppression of Lutheranism in Italy*, continued [26 February 1538–21 April 1570].——L. Duchesne: *The episcopal sees in the ancient duchy of Rome* [from the fourth to the tenth century, examining the ecclesiastical geography of the duchy, with observations on the distinction of the suburbicarian bishoprics].——O. Tommasini notices a *manuscript of the diary of Stefano Infessura* at Stockholm, and prints *documents concerning Infessura* [1489–1493] from the Archivio storico comunale at Rome.——B. Fontana prints a *document relating to Clément Marot's visit to Ferrara* [1536].

Archivio Storico Siciliano (Palermo). New Series. **xvii. 3.**—S. Salomone-Marino: *The 'Parnassu Sicilianu'* [a manuscript of 1634 containing songs, of which specimens are printed].——G. M. Columba: *Themistogenes and Philistus, historians of the fourth century B.C.* [stating what is known of the former, and giving a biographical notice of the latter and his works, and printing his fragments].——G. Salvo-Cozza: *On Giovanni Aurispa* [1375–1459] *and the chronology of some of his letters.*—— **4.**—C. Sciuto Patti: *On the ancient 'pagi' in the neighbourhood of Catania.*——V. di Giovanni: *On the villages existing in the twelfth century on the territory of the church of Monreale.*

Nuovo Archivio Veneto, v. 1.—A. Moschetti: *The relation of the Gobbo di Rialto to Pasquin* [its importance as a vehicle of news, and as a vent for political satire].——V. Lazzarini illustrates by documents [1307–1352] the career of *Marino Faliero* previous to his election as doge [an admirable account of the active and varied life of a Venetian statesman at home and abroad].——F. Lampertico disproves the tradition that Venice after the defeat of Vailà released her subject towns from their allegiance. [He quotes documents to prove that orders were sent to the governors of certain towns, Verona, Vicenza, Görz, and Trieste, ordering them to recognise the imperial suzerainty, with the express view of breaking up the league of Cambrai. He also shows that the celebrated 'oration of Giustiniani to the emperor' was never delivered, that it was contrary to his instructions which were limited to the surrender of certain definite towns with a view to checking the advance of the French, and that he was ordered to stimulate the resistance of the German imperial towns to the war against Venice.]

V. THE NETHERLANDS

Archief voor Nederlandsche Kerkgeschiedenis (The Hague), **iv. 2.**—J. M. Wüstenhoff: *Sermons of Johannes Brugman* [from a Ghent manuscript of 1476], concluded.——C. Hille Ris Lambers prints a Roman catholic *memoir describing the spread of the reformation in Gelderland and in a part of the modern province of Limburg* [1565].——H. C. Rogge prints an *anecdote from the early life of Henricus Caesarius* [1558].——H. de Jager prints *documents bearing upon the remonstrants and contra-remonstrants in the land of Voorne and particularly at the Brielle* [1612–1619], in illustration of an article in the preceding volume.

Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde (The Hague), **3rd series. vii. 2.**—P. L. Muller; *Contributions to the history of the separation of the North and South Netherlands.* I: The alliance with the duke of Anjou [1578]. II: The revolt of the malcontents.——J. E. Heeres: *How Stad en Lande* [Groningen] *acquired a seat in the directorate of the Netherlands East India company* [1647].——R. Fruin: *The Seventeen Provinces and their representation in the states general* [establishing the correct enumeration of the provinces, and tracing the changes in their representation in the sixteenth century].——R. Fruin: *The taxation of 1577* [by the two means, of quotas from the several provinces and by a general levy, in this case a capitation-tax].

VI. RUSSIA

(Communicated by W. R. Morfill)

Istoricheski Viestnik.—*March*—L. Alekseiev: *The affair at Ikan* [an incident of the war in Turkestan].==*April*—L. Omelianski: *The attack of the insurgents on the orthodox monastery of Yablochino* [in the government of Siedlets: an incident of the last Polish insurrection].——E. R.: *The revolt of the Raskolniks in* 1859.—— A. Brückner: *The prince of Hesse-Homburg in Russia* [in the service of that country in the time of Peter the Great and his immediate successors].——V. T.: *Napoleon's second marriage.*==*May*—I. V. B.: *A new theory concerning the origin of the Russians* [an attempt to upset the Scandinavian theory and to make the Russians descended from a Scythian tribe].

Russkaia Starina.—*March, April, May*—V. Bilbasov: *Catherine II and Grimm* [continued].——D. Anuchin: *Count Theodore Berg, the governor of Poland,* continued. —— A. S.: *Count Alexis Vasiliev, the first Russian minister of finance.*==*March, May*—A. Popov: *The Polish question in* 1806–1809.==*April*—P. Ilinski: *A contribution to the history of the empress Elizabeth* [a story of the revolution of 1741].==*May*—T. Yelenev: *Concerning the duchy of Finland* [the circumstances under which it was united to Russia].

Zhurnal Ministerstva Narodnago Prosviestchenia.—*March*—T. Leontovich: *Sketches of the history of Lithuano-Russian law* [a survey of the origin of the Lithuanian principality].==*March–April*—G. Forsten: *The Baltic question in the sixteenth and seventeenth centuries,* continued.==*April*—J. Kaufmann: *The national debt of England since the year* 1688, continued.==*May*—T. Verzhbovski: *The relations of Poland to the council of Trent and its enactments.*

VII. SPAIN

Boletin de la Real Academia de la Historia, xxii. 4. *April*—F. Codera: *San Francisco de Borja* [letters relating to his career. Of especial interest are a long letter of Charles V, 6 May 1541, with reference to the administration of Catalonia and Roussillon, and Borgia's description of his interviews with Juana la Coca. Others treat of the early history of the Jesuits in Aragon].——C. P. Paston prints a *letter of Sebastian Cabot* [June 1533] *and three royal letters* relating to his office of piloto mayor and its remuneration.—— R. Santa María: *The inquisition at Ciudad Real* [the trial of Juan Martinez de los Olivos and forty-one others all deceased (1484–1485). The accusations relate to the observance of the Sabbath and other Jewish customs. Their bodies are ordered to be exhumed and burnt].——F. Fita prints documents relating to the early political career of *Fray Bernardo Boyl.*

VIII. UNITED STATES OF AMERICA

Columbia College Studies in History, Economics, and Public Law (New York), **iv. 1.**—W. Z. Ripley: *The financial history of Virginia* [1609–1776].==**2.**—M. West: *The inheritance tax* [a survey of the forms and incidence of the duties levied in Europe and the United States from the earliest times].

Johns Hopkins' University Studies in Historical and Political Science (Baltimore), **xi. 5, 6.**—*May, June*—S. B. Weeks: *Church and state in North Carolina* [1711–1835].

Papers of the American Society of Church History (New York), **iv.**—W. K. & C. R. Gillett: *The religious motives of Christopher Columbus* [improbable before landing, and subordinate after].——W. Walker: *The 'Heads of Agreement' and the union of congregationalists and presbyterians based on them in London* [1691].——J. Gordon: *The bulls distributing America.*——J. Nicum: *The confessional history of the evangelical Lutheran church in the United States.*——B. Ferree: *Christian thought in architecture.*——P. Schaff: *The friendship of Calvin and Melanchthon.*—— A. H. Newman: *Recent researches concerning medieval sects* [a useful summary of the work and conclusions of Preger, K. Müller, H. Haupt, and others, relative to Peter de Bruys and Henry of Lausanne; Arnold of Brescia and the Arnoldists, Humiliati, and Poor Men of Lombardy; the Poor Men of Lyons; the Waldenses and Taborites; and the Codex Teplensis].

THE ENGLISH

HISTORICAL REVIEW

NO. XXXII.—OCTOBER 1893

The Settlement of the Cistercians in England

I.

IF we would rightly understand the conditions of Cistercian work in England at the time when the order was taking root in this country, we must look to the early history of the movement of which it formed a part. From this we must endeavour, to some extent, to reconstruct both the system under which that work was carried on, and the position to which the order had attained in Europe at large at the time. The spirit of the Cistercian movement was essentially the same as that which led Benedict of Nursia out on to the mountains of Campania, and which finds its most perfect expression in the 'De Imitatione Christi.' The movement itself was but one in the great series of revivals within the Benedictine order which were the outcome of the mighty, but ever-changing, influence of the idea of extreme renunciation. We are not, however, here concerned with the shape in which the Cistercians received this idea,[1] or of that into which it was recast by them; but only with the outward forms in and through which the inner spirit of the Cistercian movement found its earliest expression. We are thus to look at the peculiar contribution of early Cistercianism to the history of monastic institutions, and this must be sought in the work, not of St. Bernard, but of Stephen Harding the Englishman, the third abbot of Cîteaux.[2]

For the reconstruction of the early form of the order Stephen has himself bequeathed to us the materials. These are the 'Exor-

[1] For the form which the idea assumed in the twelfth century, cf. Neander, *Eccles. Hist.* vii. 361, tr. Torrey.

[2] The respective work of Robert of Molême, founder and first abbot of Cîteaux, of

dium Cisterciense' (called also the 'Parvum Exordium'[3] to distinguish it from the 'Exordium Magnum,'[4] a later and fuller, though less authentic narrative), and the 'Charta Charitatis.' The former was issued by Stephen in 1120, and its publication may be said to mark the completion of his constructive work.[5] It is, as the name implies, an account of the rise of the Cistercian order,[6] and covers, though with considerable gaps, a period of twenty-two years, from the foundation of Cîteaux on Palm Sunday, 21 March 1098, to the opening of the year 1120.[7] In it we have an authentic, if somewhat scanty, account of the growth and early organisation of a great religious order, and one remarkable for the freedom no less than for the strength and permanence of its institutions: from it we may learn how gradually and under what circumstances the several parts of that framework were put together.

The twenty-two years of the history of Cîteaux which are covered by the 'Exordium' may for our purpose be divided into two parts by the year 1113. The former of these begins with the date of separation from the parent-house Molême. This abbey had been founded by a monk named Robert in what is now the depart-

Alberic the second abbot, and of Stephen, in the earliest period of the house, is somewhat difficult to assign, but the last-mentioned was undoubtedly the chief founder of the order (as will be seen later). The *Exordium Magnum* (*vide* Bern. *Opp.* iv. 1010, ap. Migne, clxxxv. *bis*) says of Stephen, *primus inter primos ferventissimo studio laboravit ut locus et Ordo Cisterciensis institueretur.* This Henriquez (*Fascic. Sanct. Ord. Cist.* i. 25) quotes and emphasises, and Helyot (*Hist. des Ord. Monast.* v. 348) accepts. Helinand (ap. Tissier, *Biblioth. Pat. Cist.* vii. 166) goes further and says not only was Stephen the *auctor et mediator* of the order, but the chief mover in the secession from the parent-house Molême. Cf. also *Notitia Historica S. Steph. abbat. Cist.* iii. ex *Act. Sanct. Bolland.* ap. Migne, clxvi. 1361–3: *Praecipui auctores Cisterciensis Ordinis . . . novum coenobium construere meditantur, et . . . Cistercium eligunt, actore potissimum S. Stephano.*' Janauschek, among modern Cistercian writers, may be mentioned as one of those who accept this position assigned to Stephen: *Originum Cisterciensium*, I. iv.: *primarius idem secessus a Molismo auctor.*

[3] Manriquez, *Annales Cisterc*ienses, i. 118: *Stephanus . . . exordii ordinis brevem historiolam curavit describi, quam nos* Exordium Parvum *nuncupamus.*

[4] *Vide* Bern. *Opp.* iv. 993–1198 (Migne, clxxxv. *bis*).

[5] For the document in the form in which it was embodied in the *Monasticon Cisterciense* (published at Paris in 1664), *vide* Migne, clxvi. 1501–10. Since this a manuscript of Cîteaux, containing the *Exordium Cisterciense*, and belonging to the earlier half of the thirteenth century, has been published in the *Analecta Divionensia*, by P. Guignard, *Monuments Primitifs de la Règle Cistercienne*, pp. 61–75. Cf. also *ib.* Préface, c. 3. Stephen's object in the publication is declared in the introduction (*ib.* p. 61): 'Nos Cistercienses primi huius ecclesie fundatores. successoribus nostris stilo presenti notificamus quam canonice. quanta auctoritate. a quibus etiam personis, quibusque temporibus. cenobium et tenor vite illorum exordium sumpserit.'

[6] The story is beautifully told by Newman in his life of Stephen Harding, which has been republished in the *Saints of England*, vol. iii. Cf. also the early chapters of J. Cotter Morison's *Life and Times of St. Bernard.*

[7] *Monuments Primitifs*, p. xxxiv. The date is discovered by comparison of the last chapter of the *Exordium* 'de abbaciis' (*ib.* p. 74) with the known dates of foundation of the first Cistercian abbeys.

ment of the Yonne, in the year 1075, and had for many years remained under his guidance. At a later time, however, the monks had refused to accept the conclusions at which their abbot had arrived, as to the binding nature of the whole of St. Benedict's rule interpreted according to the letter.[8] Robert therefore, with the consent of the papal legate, Hugh, archbishop of Lyons, renounced his charge of the house, and with Alberic the prior, Stephen the sub-prior, and eighteen other monks, left Molême and settled at Cîteaux in the diocese of Châlon-sur-Saône.[9]

The first fifteen years of the history of Cîteaux mark the time when the little band of monks was striving to throw off all that was antagonistic to the primitive severity and simplicity of the earlier monastic traditions. The effort brought about a fierce though purifying struggle for existence which wellnigh exhausted the energies of the infant foundation. It was, however, during these years of toil and suffering that the new order began to take its distinctive form in the method of its observance of the Benedictine rule. Three abbots in succession ruled the house at this period. Robert, the former abbot of Molême, was the first. He was recalled by papal mandate in 1099 to resume his charge of Molême, at the prayer of the religious of that house, and Alberic the prior was elected to fill his place at Cîteaux. Alberic died in 1109, and was succeeded by Stephen Harding, whose rule extended over nearly a quarter of a century, from 1109 to 1133. The period is illustrated for our purpose in the 'Exordium' by copies of letters, papal and other, relating to the affairs of the abbey, and by a series of informal regulations which were the rule of the house almost from its foundation. The latter do not appear in statute form until after Stephen's resignation, though it is probable that they were collected and defined somewhat earlier. In 1134 they were embodied in the earliest known collection of 'Instituta Generalis Capituli apud Cistercium' compiled by Raynard, fifth (sometimes called fourth) abbot of Cîteaux.[10] Among the documents relating to the recall of Robert to Molême[11] may be mentioned the letter of Urban II to his legate,

[8] For a full and apparently fair statement of the sane but inappreciative reasoning of the monks of Molême with regard to the principles of the movement which took its rise in their midst, *vide* Orderici Vitalis *Hist. Eccles.* lib. viii. c. 25, ed. A. le Prevost (Paris, 1855), iii. 435–41.

[9] *Exord. Cist.* ap. Guignard, pp. 61–3.

[10] *Monuments Primitifs*, p. 245 *et seq.* The collection was not completed in 1134, nor probably until about the year 1152.

[11] *Ib.* pp. 64–6. These include letters from Urban II, Hugh, archbishop of Lyons, and Walter, bishop of Châlon. Though Robert implicitly obeyed the papal mandate, as interpreted by the legate Hugh, archbishop of Lyons, and returned to Molême, it was as an alien. To Cîteaux he writes: 'Since my eyes no longer behold you, the light of my eyes is not with me. . . . Molême by the law of obedience has my bodily presence, but Cîteaux is my heart's desire.'—S. Rob. *Epist.* iii. (Migne, clvii. 1294.)

the archbishop of Lyons. While providing for the return of Robert, it distinctly recognises the rights of those who have chosen the severer life at Cîteaux. But this was justly regarded by the latter house as insufficient, and on the election of Alberic, *vir mirabilis prudentie*, two monks bearing letters from Hugh, archbishop of Lyons, Walter, bishop of Châlon, and two cardinals, John and Benedict, then in France on a mission to the court of Philip I, were despatched to Rome to obtain from the holy see the formal recognition of their independence. This was granted by the bull of Paschal II, 'Desiderium quod' (1100).[12] It provides for the safety, freedom (in no way defined), and permanent existence of the house, which is taken under special apostolic protection, *salva Cabilonensis ecclesie canonica reverentia*. Above all, the separation from Molême is confirmed, the way of life of the new community recognised, and its independent existence as a congregation formally acknowledged. This bull marks a distinct advance in the position of the house, but, notes Manriquez, *non tam ordinem firmat quam monasterium*.[13]

Their legal existence thus recognised, the monks next proceeded to define the method of their observance of the Benedictine rule. With this object they drew up, probably about the year 1101,[14] their first series of regulations. The earlier of these formed an attempt to embody the true spirit of St. Benedict's rule, *de indumentis fratrum*.[15] They forbade the use of 'garments with ample folds, garments of fur, shirts, hoods separated from the rest of the habit.'[16] Others regulated the covering of the monks' beds and restricted the variety of their food.[17] And since neither in the rule nor in the life of St. Benedict did they read that the latter had possessed 'churches, or altars, or oblations, or burial-grounds, or tithes belonging to other men, or bakehouses, or mills, or farms, or serfs,'[18] the Cistercians proceeded to reduce to a practical reality their ideal of poverty—to be *cum paupere Christo pauperes*—by

[12] *Exord. Cist.* ap. Guignard, p. 70. Cf. *Bullar.* ii. 113.

[13] *Annales Cistercienses*, i. 22.

[14] *Ib.* i. 23; Le Nain, *Essai sur l'Histoire de l'Ordre de Cîteaux*, i. 49; Mabillon, *Annal. O. S. Bened.* v. 431, and elsewhere.

[15] Cf. *Regula S. Bened. Abbat.*, ap. Guignard, *Monuments Primitifs*, p. 44.

[16] *Exord. Cist.* ap. Guignard, p. 71, 'dehinc abbas ille et fratres eius . . . regulam beati benedicti in loco illo ordinare, et unanimiter statuerunt tenere. reicientes a se quicquid regule refragabatur. froccos videlicet et pellicias. ac staminia. caputia quoque ac femoralia. pectines et co-opertoria.' The partial paraphrase given in the text is Newman's. For these enactments as they appear in statute form, cf. *ib.* pp. 250-2.

[17] *Ib.*: 'reicientes stramina lectorum. ac diversa ciborum in refectorio fercula. sagimen etiam et cetera omnia que puritati regule adversabantur.'

[18] *Ib.*: 'et quia nec in regula nec in vita sancti benedicti eundem doctorem legebant possedisse ecclesias vel altaria. seu oblationes. aut sepulturas. vel decimas aliorum hominum. seu furnos. vel molendina. aut villas. vel rusticos . . . hec omnia abdicaverunt.' This repudiation must not be interpreted too literally, but rather, with Newman, *Saints of England*, iii. 65, as a part of the general Cistercian protest against

renouncing all these things, the ordinary sources of monastic income. Nor could they find in the distribution of the tithes, which was the custom of the fathers, any appropriation to, or even mention of, the monk, *qui terras suas possidet, unde et per se et per peccora sua laborando vivat.*[19] They therefore pronounced the possession of tithe an unjust usurpation of the rights of others.[20] It was about this time too that the Cistercians adopted a custom already in existence in certain sections of the Benedictine order,[21] and attached to themselves lay brethren.[22] The latter did the meanest work, though not necessarily this alone,[23] but were often of noble birth, as in the case of Evrard of Mons, who became a lay brother of Morimond[24] in 1129, or of great learning, as in that of Alanus the schoolman.[25] Paid labourers also were found necessary to set the monks free by day and night to carry out all the precepts of the rule.[26] Lastly they enacted that twelve monks and an abbot, as St. Benedict had ordained, should be sent out to new founda-

wealth. The English houses were certainly not bound by it, even so early as the period of the settlement there, for the income derived from the sources above mentioned was a part, in some cases an important part, of their revenues (see below). Here may be mentioned another fact which Newman regards as the Cistercian protest against the wide-spread abuse of lay usurpation of ecclesiastical property. When the founders of Cîteaux received the site of the house in 1098 from Rainaldus of Beaune, they refused to accept the church as an appurtenance of the estate, requiring for it a separate act of renunciation on the part of the donor. Vide *Gall. Christ.* iv. 234, *ex tabular. Cisterc.* 'Et quia eiusdem loci ecclesiam, quam illuc usque tenuerat [*scil.* Rainaldus], quae divini tantum iuris est, abbas et reliqui fratres de manu ipsius, quia laicus erat, suscipere minime duxerunt dignum, dimisit eam, atque ab omnimodo eius ulterius possessione renuntians praedictis fratribus ad Dei servitium dereliquit.'

[19] It was the Cistercian ideal to live by the labour of their hands, and these words, *qui terras suas possidet*, &c., give the key to the meaning of the renunciation of property which precedes and follows. How far it was absolutely binding upon the order to carry out this ideal does not appear. All that can be said is that it was sufficiently carried out to cause the poverty for which the Cistercians in these early days were so famous, and which was one of the chief sources of their influence.

[20] *Exord. Cist.* ap. Guignard, p. 72. 'Decimas quoque aiebant a sanctis patribus . . . in quatuor particiones distributas . . . et quia in hoc compoto personam monachi . . . non reperiebant . . . idcirco hec veluti aliorum ius iniuste sibi usurpare detrectabant.'

[21] Moeller, *Kirchengeschichte*, ii. 184, 341 (ed. 2, 1893), says that lay brethren had been incorporated by Gualbert of Vallombrosa (founded 1038), and that they also appeared fairly early in Clugny.

[22] *Exord. Cist.* ap. Guignard, p. 72. 'Tuncque diffinierunt se conversos laicos barbatos ex licentia episcopi sui suscepturos. eosque in vita et in morte excepto monachatu ut semetipsos tractaturos.' Cf. *ib.*, *Consuetudines*, 251 viii., and for the rule of 'conversi,' *ib.* p. 276.

[23] *Originum Cisterciensium* t. I. vii.: 'ex illis agricolarum catervae, pastores ovium et porcorum, bubulci, carucarii, stabularii, . . . grangiarum et domorum urbanarum magistri, porro fabri ferrarii . . . sutores aliique opifices, magistri infirmarii, et infirmorum ministri . . . codicum scriptores et omnis generis artifices prodierunt, ut architecti, pictores (praesertim vitriorum).'

[24] The fifth Cistercian house founded in the diocese of Langres in 1115.

[25] Henriquez, *Fascic.* ii. 271, *Qui duo, qui septem, qui totum scibile scivit.*

[26] *Exord.* ap. Guignard, p. 72, . . . *homines etiam mercennarios. quia sine adminiculo istorum non intelligebant se, plenarie die sive nocte precepta regule posse servare.*

tions, and that the sites for their abbeys should be chosen far from the haunts of men.[27] All these things did they vow to observe.[28]

The exact time when the Cistercians changed the colour of their habit from the black of the Benedictine to the white which gave them their name of 'White Monks' is obscure. All that is known is that it occurred under Alberic—possibly about the year 1103—as the monks wore white under Stephen, and Robert came and went without laying aside the 'fuscus color.' All the regulations of the house hitherto had aimed at the more complete fulfilment of the Benedictine rule, whereas this was in direct opposition to the latter. How the change came about is unknown.[29] The white garb was undoubtedly regarded by the monks as peculiarly befitting the special worship of the Virgin Mary to which the order was dedicated, and may have been adopted on this account.

The story of the remaining years of the abbacy of Alberic is not told in the 'Exordium,'[30] but we are given to understand that the inevitable effects of the legislation which precedes were severely felt, and that the monks were sorrowful because their number did not increase.[31] Yet their resolution was unimpaired, rather did it grow more stubborn under the influence of Stephen Harding, who succeeded Alberic in 1109.[32] The apparently suicidal legislation

[27] *Exord.* ap. Guignard, p. 72: *in locis a frequentia populi semotis.*

[28] Manriquez, *Ann. Cist.* i. 23, says of these enactments: *statuta non tam de novo condidit [scil.* Albericus] *quam concepta ante initium sui coenobii, forte, et servata legenda suis scripsit.* Throughout this series of regulations (cf. especially *Exord.* ap. Guignard, p. 72) may be noticed the foreshadowing of later, more definite, legislation on the subject of the forbearance from all priestly engagements in the 'cure of souls,' which was a distinctive feature in the Cistercian reform. Cf. Gieseler, *Eccles. Hist.* iii. 225–6, trans. Hull.

[29] This obscurity is not due to lack of evidence. The *Menologium Cisterciense*, p. 253, gives under *Nonis Augusti*: 'Cistercii in Gallia descensio beatissimae Mariae Virginis in Cistercium, et miraculosa mutatio habitus de nigro in album colorem sub sanctissimo abbate Alberico.' Henriquez (who edits the above) adds a note from an old manuscript of Cîteaux: 'Quinta Augusti, incarnationis Dominicae anno millesimo centesimo primo, beata Virgo descendit in Cistercio, et mutavit habitum de nigro in album sub Alberico.' Elsewhere, *Fascic.* i. 19, Henriquez himself gives a full account of the event, and for it adduces a respectable list of authorities. Manriquez does not quite accept the above statements, but thinks that the change was made before 1104, for in that year a vision of Christ in white was recorded, *et neque crediderint in album inter nigros quos sibi in omnibus volebat conformari.* The argument, looked at from a slightly different point of view, would seem convincing.

[30] In the *Exord. Mag.* (l. c. p. 1010), from which occasionally the *Exord. Cist.* may be supplemented, Alberic does not appear at all. The story passes immediately from the recall of Robert to Molême to the election of Stephen. Migne, *ib.* p. 995, and Tissier, *Biblioth. Pat. Cist.* i. 13, follow Manriquez in thinking that a portion of the manuscript has been lost here.

[31] *Exord.* ap. Guignard, p. 73. 'Illud virum dei predictum abbatem et suos aliquantulum mesticie subdidit. quod raro quis illis diebus illuc ad eos imittandos venerit . . . sed fere omnes videntes et audientes vite eorum asperitatem insolitam et quasi inauditam. plus corde et corpore elongare quam approximare se eis festinabant.'

[32] Stephen describes himself (*ib.*) simply as *amator regule et loci.*

was continued, and the isolation of the house made stricter than before by the second series of regulations which was immediately drawn up. In this they enacted that no prince or duke should at any time hold his court in the church of Cîteaux, as had been the custom during festivals,[33] that golden and silver crucifixes should no longer be used, but painted wood alone. Only one candlestick was to be retained, and this of iron, and the censers were to be of brass or iron. The sacred vestments were to be of the plainest materials; and copes, dalmatics, and tunics were abolished. Even the chalices were to be of silver-gilt, and the altar-cloths of linen without pictures of any kind worked upon them.[34] The struggle now reached its height. Not only were men afraid to enter the abbey by reason of the austerity of its rule, but the small number of those who remained rapidly diminished as the hand-to-hand fight with poverty, sickness, and death wore on. Their isolation, to the loyal spirit of the monks, was more bitter far than death, for it imperilled the lasting value of their work.[35] But even while the monks, in the words of the chronicler, 'drew nigh unto the gate of despair,' the fame of their holy discipline had gone forth with its silent, resistless appeal, and in reaching the heart of Bernard[36] laid hold on the man to whom the age was given.

The arrival of Bernard with his thirty companions in 1113 marks the turning-point in the history of Cîteaux. The Cistercian order, for such it may now be called, enters upon a period of rapid growth and extension. The austerity of the rule which, as administered by Stephen alone, had repelled, became under the influence of Bernard its chief attractive power; the severity of the law-giver was forgotten in the love and devotion of the saint. La Ferté, on the river Grône, in the diocese of Châlon, was founded in the year of Bernard's arrival, to be followed next year by Pontigny, a few miles from Auxerre, and in 1115 by Clairvaux, the home of Bernard

[33] *Exord.* ap. Guignard, p. 73: 'Huius temporibus interdixerunt fratres una cum eodem abbate, ne dux illius terre seu alius aliquis princeps. curiam suam aliquo tempore in illa ecclesia tenerent, sicuti antea in sollemnitatibus agere solebant.' This was aimed at Hugh, duke of Burgundy, son of Odo, one of the founders of Cîteaux, and himself a patron and supporter of the house.

[34] *Ib.* pp. 73–4, 'Confirmaverunt . . . ne retinerent cruces aureas seu argenteas, nisi tantummodo ligneas coloribus depictas. neque candelabra nisi unum ferreum. neque thuribula nisi cuprea vel ferrea. . . . Pallia vero omnia et cappas atque dalmaticas tunicasque extoto dimiserunt: sed calices argenteos non aureos. sed si fieri poterit deauratos . . . stolas quoque et manipulos de pallio tantum, sine auro et argento retinuerunt. . . . Palle autem altarium ut de lino fierent et sine pictura plane praecipiebant.' For the vestments see the notes on this passage in *Notitia Historica S. Steph. abbat. Cist.* iii. ap. Migne, clxvi. p. 1364.

[35] *Ib.* p. 74. 'Ergo istis temporibus visitavit deus locum illum viscera misericordie sue effundens super se petentes. ad se clamantes coram se lacrimantes. die ac nocte longa profundaque trahentes suspiria . . . et fere ostio desperationis appropinquantes. pro eo quod successoribus pene carerent.'

[36] *S. Bernardi Vita Prima*, lib. i. c. 3. *Vide* Bern. *Opp.* iii. 231 (Migne, clxxxv.)

till his death, and Morimond, both in the diocese of Langres. These, with Citeaux, were the five great parent-houses of the order and the heads of the filiations into which it was afterwards divided. But if the work of extension from this point was chiefly Bernard's, that of organisation and consolidation was the priceless contribution of Stephen; and the years immediately following upon 1113 were the period of his great constructive work. They saw, if not the birth, at least the growth and moulding under Stephen's influence, of that spirit of corporate consciousness which found such free and characteristic expression in the new forms of government with which he met the increasing needs of the order.

With regard to the external government of the abbeys, that is to say, to the government of the order as such, the 'Exordium' affords no information whatever. We must therefore look elsewhere for the first indication of any meeting of the heads of the houses in chapter. This we find in the life of St. Bernard by his friend and contemporary, William of St. Thierry. It was to a little assembly of abbots gathered together, presumably at Citeaux, in the year of Bernard's severe illness, that is to say, in the year 1116, that William of Champeaux tendered his request that he might be entrusted with the care of Bernard for one year.[37] This year, therefore, 1116, Manriquez [38] and others give as the date of the foundation, or rather first assembly of the general chapter of Citeaux. There would, however, seem no reason to suppose that it was the first time the abbots had so met. Nor is the silence of the earliest authorities as to the convocation of any assembly of the kind, either in the year 1117 or 1118, conclusive evidence against such convocation.[39] But whenever and however it came into existence the Cistercian general

'fugam meditari coepit [*scil.* Bern.] . . . Perfectius vero relinquere mundum deliberans, coepit inquirere et investigare, ubi certius ac purius inveniret requiem animae suae sub iugo Christi. Inquirenti autem occurrit Cistercii innovatae monasticae religionis nova plantatio: messis multa sed operariis indigens cum vix adhuc aliquis conversionis gratia illuc declinaret, ob nimiam vitae ipsius et paupertatis austeritatem.'

[37] *Vita Prima*, i. c. 7, ap. Migne, clxxxv. 246: 'profectus Episcopus ad capitulum Cisterciense, ibi coram pauculis abbatibus qui convenerant, . . . petiit et obtinuit ut tantum anno uno in obedientiam sibi traderetur [*sc.* Bernardus].' Bernard being absent, there would only be four abbots in attendance at this chapter, that is to say, those of the houses already mentioned with the exception of Clairvaux.

[38] *Ann. Cist.* i. 87. Manriquez gives as the ultimate origin of the idea (it is to be presumed of a chapter as such) the fifty-fourth clause of the rule of St. Basil, 'quod propositi conventuum vicissim de hiis, quae se concernunt conferre inter se debent . . . vicissim inter se communicent, ut conferant, quo videlicet, si aliquid aliquando minus recte ab aliquo factum fuerit.' Therefore, continues Manriquez, Stephen, remembering this, and that it was in the rule of St. Benedict, 'pro tempore omissa sed non negata,' determined to call together his few abbots to meet on a given day at Citeaux, 'quo videlicet ex mutuo omnium congressu, colloquioque, in unum mysticum corpus coadunati, anima etiam una efficerentur.'

[39] Some of the Cistercian writers, among whom may be mentioned Mabillon, think that the assembly became annual after 1116. M. d'Arbois de Jubainville, *Études sur l'État Intérieur des Abbayes Cisterciennes . . . au xii^e et au xiii^e siècle*, p. 148, says that

F.S.Weller, lith.

Longmans, Green & Co., London & New York.

chapter, as legally constituted by Stephen on a republican basis in 1119, marks a new departure in the history of monasticism. In it Stephen laid the foundations of an institution which was to alter the form of monastic government at large, changing its little independent monarchies [40] into powerful republics.

The first general chapter of Cîteaux whose work is known to us is that of 1119. As to the number of abbots in attendance the authorities differ; the best give nine,[41] there being nine abbeys of the order besides Cîteaux then in existence. These with Cîteaux herself may possibly make up the ten mentioned, says Manriquez, in the collection of 'diffinitiones' of 1134.[42] This was the assembly which sent forth the celebrated 'Charta Charitatis,' the 'Great Charter' of the Cistercian order, in which its own constitution, as well as that of the entire system of which it formed a part, is declared. As to the time when the document was drawn up nothing is certainly known, for the earliest authorities afford no adequate guidance.[43] Mabillon justly points out that so splendid a monument could not have been the work of one chapter,[44] that, namely, of 1119, and thinks that in the absence of 'acta' we may regard the compilation of the charter as the work of the three preceding chapters, those of the years 1116, 1117, and 1118 respectively. The object of the instrument, as the name implies, was to join in indissoluble union the members of the whole order, that they, though sundered far in body, might be one in spirit, one in love. It is not merely a *decretum inter matrem et filias*; it is a constitution, a collection of the customs and usages which had prevailed in the order from the beginning, a

the Cistercian general chapter was founded in 1119, not regarding as such the assembly of 1116, and probably considering the reference to it under this name of William of St. Thierry (see above, n. 37) an anticipation.

[40] It is to be remembered that even the powerful congregational system of Clugny, whose abbot could call a chapter of three thousand, was essentially monarchical in its character, as were those formed upon its model.

[41] *Ann. Cist.* i. 107, among the earlier; *Orig. Cist.* I. iv. among the later, Cistercian books have this number. The houses according to Janauschek were—Cîteaux, 1098; La Ferté, 1113; Pontigny, 1114; Clairvaux and Morimond, 1115; Preuilly, 1117; Trois-Fontaines, 1118; La Cour-Dieu, Bonneval, and Bouras, 1119. M. d'Arbois (whose authority Morison accepts in his *Life and Times of St. Bernard*, p. 40) gives thirteen from the last chapter of the *Exordium*. Vide *Mon. Prim.* p. 74. The latter simply says that there were twelve monasteries founded from Cîteaux within eight years. This period, dating from 1113, falls beyond the chapter of 1119, which was held in September, though it is probable that there were thirteen by the time the *Exordium* was published, namely, about March 1120. Helyot also falls into this error.

[42] *Ann. Cist.* i. 108.

[43] The *Exordium Cist.* affords none, while the *Exordium Magnum*, ap. Migne, clxxxv. *bis*, p. 1017, merely says, 'antequam abbatiae Cistercienses florere inciperent, reverendissimus Pater Stephanus cum consilio fratrum suorum decretum, quod charta charitatis vocatur . . . exaravit.' This seems to be taken from the prologue to the charter itself (vide *Monuments Primitifs*, p. 79), where the opening words appear, though here with an indirect bearing upon the date of the instrument.

[44] *Annal. O.S.B.* v. 617: *adeoque non leviter, nec uno statim capitulo concepta, perfecta, et approbata.* Cf. also *Monuments Primitifs*, p. lxiii.

definite recognition and formulation of the laws of spiritual generation which prevailed among the Cistercians in the hands of their great lawgiver Stephen. The foundation and principle of all authority is spiritual kinship. It is this which in great part forms the peculiar content of the 'Cistercian idea,' and in the working of this principle the characteristic features of the movement are to be sought. Thus[45] the charter is far removed from the position of a mere contract which was, perhaps, in the seventeenth century assigned to it. The head of the system, the abbot of Cîteaux, is not at this period called the superior-general. That is not his title, nor does it express his function. He is simply 'Pater Universalis' of the order.[46] The charter consists of thirty-five decrees which are reduced to 'five chapters.[47] These provide for (i) uniformity of observance and of privilege throughout the order; (ii) the regular visitation, according to their filiations, of all the monasteries, including Cîteaux, which is subjected to that of the abbots of La Ferté, Pontigny, Clairvaux, and Morimond; (iii) the annual attendance of the abbots at the general chapter of Cîteaux, the full powers of the latter body to consult, legislate, judge, correct, even to suspend and depose; (iv) the election of abbots; (v) the abdication and deposition of abbots even to the possible case[48] (which Heaven forfend) of unworthiness in the abbot of Cîteaux himself.

To insure the safety of his newly defined constitutions, Stephen procured the papal confirmation given by the bull of Calixtus II in 1119.[49] Eugenius III reconfirmed the charter, together with all the statutes of the order, in 1152.[50] It is to the year 1119 also, or shortly after, that the compilation of the Cistercian 'Liber Usuum' is referred.[51] It is certainly one of the books declared necessary for every abbey in 1134.[52] Manriquez says that it received the papal assent with the charter;[53] Guignard, however, thinks that

[45] Meschet, *Privilèges de l'Ordre Cist.*, Avertissement, p. e iii.

[46] *Ib.* p. e, cf. *Exord. Mag.* i. c. 24, ap. Migne, clxxxv. *bis*, p. 1020-1, *ipsum* [*scil.* Fastradum] *Cisterciensis coenobii ac totius Ordinis Patrem universalem elegerunt.*

[47] For the instrument in its earlier form see *Monuments Primitifs*, pp. 79-84: for that in later and more general use, from which the above divisions for convenience are taken, see Migne, clxvi. 1377-84.

[48] This remote possibility became an actual fact on Stephen's resignation in 1133. *Vide* Ord. Vit. *Hist. Eccles.* viii. c. 26, vol. iii. 444.

[49] For official text of this bull published by order of Jean de Cirey, abbot of Cîteaux, in 1491, *vide* Pierre Metlinger, *Privilegia Ord. Cist.*, p. 2. 'Quedam de obseruatione reguli beati Benedicti et aliis nonnullis que ordini vestro et loco necessaria videbantur capitula statuistis. . . . Nos ergo . . . capitula illa et constitutionem auctoritate apostolica confirmamus.' The copy of the above given in *Bullar.* ii. 166, is, says Guignard, taken at second-hand from Baronius. Cf. *Monuments Primitifs*, p. xxvii.

[50] *Bullar.* ii. 325. Cf. also *Privilegia Ord. Cist.* p. 3.

[51] *Vide* Migne, clxvi. 1383-4, and M. d'Arbois, *Études*, p. viii.

[52] *Instituta Gen. Cap. apud Cist.*, ap. Guignard, p. 253, xii

[53] *Ann. Cist.* i. 115.

the part of it which was presented to Calixtus and mentioned in the bull of 1119, was the collection of *Instituta*—the *capitula* of the bull—as it appeared in the 'Exordium Cisterciense.' The latter document was drawn up at this time, and, as has been said,[54] issued a few months later, that is to say, about March 1120. It is this, namely, the 'Exordium Cisterciense' itself, containing the *Instituta*, which Guignard believes to have been the document presented to Calixtus with the charter, as the historic statement which now, as then, must accompany any statutes presented to the pope for confirmation, explaining their origin and necessity.[55]

Thus simply, in legislating for his order, did Stephen solve for monasticism at large the problem of external jurisdiction.[56] The first among the greater orders to call a general chapter in imitation of that of Cîteaux were the Carthusians in 1151. By a canon of the fourth Lateran council,[57] Innocent III made the convocation of such assemblies compulsory upon all the orders.

The revival of canonical obedience has been regarded as an integral part of the Cistercian reform.[58] To a certain extent this was the case. Among the causes of complaint of the 'first fathers' against the religious of Molême was that of disregard of the authority of the bishop of the diocese,[59] and from the outset the monks of Cîteaux took the oath of obedience to the bishop of Châlon.[60] In the bull of Paschal II,[61] and, as might be expected, in the letter of the bishop of Châlon petitioning for it,[62] we find the careful insertion of the clause *salva Cabilonensis ecclesie canonica reverentia.* Again in the prologue to the charter the rights of the bishop of the diocese in the case of new foundations are formally recognised, if it be merely *propter scandalum inter pontificem et monachos devitandum.*[63] The bull of Calixtus II[64] and the 'Confirmatio Constitutionum' of

[54] See above, p. 626.

[55] *Monuments Primitifs*, pp. xxviii-xxx.

[56] The work of Clugny, with its formation of the first Benedictine congregation, had, it is to be remembered, prepared the way for that of Cîteaux.

[57] Mansi, *Acta Concil.*, xxii. 999; Lateran, iv. 12. 'In singulis regnis sive provinciis fiat de triennio in triennium . . . commune capitulum abbatum atque priorum abbates non habentium, qui non consueverunt tale capitulum celebrare . . . advocent autem . . . duos Cistercienses ordinis abbates vicinos, ad praestandum sibi consilium et auxilium . . . cum sint in huiusmodi capitulis celebrandis ex longa consuetudine plenius informati. . . . Qui absque contradictione duos sibi de ipsis associent . . . ac ipsi quatuor praesint capitulo universo. . . . Huiusmodi vero capitulum aliquot certis diebus continue iuxta morem Cisterciensis ordinis celebretur.'

[58] Gieseler, *Eccles. Hist.* iii. 225; Moeller, *Kirchengeschichte*, ii. 345.

[59] *Essai sur l'Histoire de l'Ordre de Cîteaux*, i. 18.

[60] For the oath *vide* Gieseler, *Eccles. Hist.* iii. 225.

[61] *Bullar.* ii. 113 (see above, p. 628).

[62] *Exord. Cist.* ap. Guignard, p. 69.

[63] *Monuments Primitifs*, p. 79. 'ordinaverunt ut nullomodo abbacie in alicuius antistitis dioecesi fundarentur antequam ipse decretum inter Cisterciense cenobium et cetera ex eo nata exaratum ratum haberet et confirmatum. . . .'

[64] *Privilegia Ord. Cist.* p. 2. 'Siquidem consensu et deliberatione communi

Eugenius III (1152) [65] both make express reference to the consent of the bishops to the enactments there confirmed. St. Bernard, too, is said to have disapproved of exemptions, and his words have frequently been quoted in this connexion.[66] The Cistercians did thus, to a certain extent, revert to earlier, though not, of course, to the first principles of monasticism. Yet it is needful to remember the aspect which the question of exemptions had assumed at this time. The great age of the bishops had passed away, and with it the very real need undoubtedly expressed by the long series of exemptions which became frequent in one form or another from the eighth century. The question had become largely one of ambition for independence. The custom of granting episcopal insignia and privileges to abbots had, of course, begun, and the use of the dalmatic and sandals by the latter was known.[67] It was against this aspect of exemptions merely that the Cistercian reform was directed. From the history of the church in this connexion Stephen had learnt the inefficiency of monastic government without some jurisdiction beyond the walls of the monastery. Moreover the inconvenience of episcopal control over regular monks, often exercised by a secular, as it was, and by the nature of the case changeable, had been frequently proved. Stephen's first slight precaution was the introduction of the clause *salvo ordine nostro* [68] into the oaths to the bishops in 1114, when the second 'convent' went forth under Hugh of Mâcon. But the constitution of 1119 cut the knot of the difficulty. Its system of checks upon the power of the local abbot by means of the authority of the immediate father, that is to say, of the abbot of the parent-house, above all by the regularly appointed visitors, with ultimate appeal to the abbot of Cîteaux and the general chapter, provided full and adequate external jurisdiction. The system was so complete, says

abbatum et fratrum monasteriorum vestrorum, et episcoporum in quorum parochiis eadem monasteria continentur, quedam . . . statuistis.'

[65] The reference here is to the words of the prologue to the charter above given.

[66] The passage often chosen occurs in the *De Consideratione*, lib. iii. c. iv. Bern. *Opp.* i. 769 (Migne, clxxxii.). Bernard is speaking of the abuse of privileges and exemptions generally, 'Quod si dicat episcopus, Nolo esse sub archiepiscopo; aut abbas, Nolo obedire episcopo; hoc de coelo non est.' But he makes a distinction, 'Ubi necessitas urget, excusabilis dispensatio est: ubi utilitas provocet, dispensatio laudabilis est. Utilitas, dico, communis, non propria. . . . Nonnulla tamen monasteria, sita in diversis episcopatibus, quod specialius pertinuerint ab ipsa sua fundatione ad sedem apostolicam pro voluntate fundatorum, quis nesciat? Sed aliud est quod largitur devotio, aliud quod molitur ambitio impatiens subiectionis.'

[67] *Vide* Bull of Urban II (1088) (ap. Migne, cli. 291) granting to Clugny the use of the mitre *in processionum missarumque sollemnibus*, and at the five great festivals that of the *dalmatica*, *chirotheca*, and *sandalia*. The independence of Clugny was formally recognised by Alexander II in 1063 (*ib.* cxlvi. 1293) and that of Monte Cassino in 1097 (*ib.* p. 492).

[68] *Ann. Cist.* i. 108, *verba illa curavit adiicienda.*

Manriquez, *ut nihil fere episcopis residuum.*[69] They were simply ousted.[70]

So the form of the Cistercian order was perfected, and Stephen had raised around it the three bulwarks of the 'Charta Charitatis,' the 'Exordium Cisterciense,' and, though possibly somewhat later, the 'Liber Usuum,' under whose protection it was to flourish unimpaired for centuries. But a more powerful hand than that of Stephen was to wield the instrument he had forged. The history of the order was rapidly becoming that of the monk Bernard, and it was under the inspiration drawn from Clairvaux, rather than from Citeaux, that the order in the next period made such rapid advance and spread even to the shores of England. From 1120 onward, the Cistercian course was clear. There was little to be feared either from opposition or rivalry. It was about this time that the first indication was given of the probable issue of the great intellectual struggle—if such it could be called—of the century, in which the moral strength of the Cistercian movement, backed by the inevitable support of the church at large, was to arm Bernard irresistibly. After the condemnation of Abelard's tractate 'de Unitate et Trinitate Divina' at the council of Soissons (1121), the failure—it could not be other—of the philosophic community of the Paraclete, and the retirement of the master himself to the shores of Brittany (*c.* 1125), the final issue might be deferred; it could hardly be doubtful. From the sects nothing was as yet to be feared, for though they too felt the quickening of religious life at the opening of the twelfth century, and were beginning to give trouble especially in Languedoc and Toulouse, their importance was merely local. Nor does the Cistercian work appear to have suffered from rivalry on the part of the many monastic orders founded towards the close of the eleventh century. The most important of these was the order of the Carthusians, founded in 1084,[71] but those of Grammont (1073–83) and of Fontevraud (1094) may also be mentioned. The only religious body which could in all probability compare with that of Citeaux at this time in vigour and rapidity of growth were the Premonstratensian canons founded by Norbert about 1120. With these the relations of the Cistercians appear to have been of a most friendly nature.[72] Moreover, the sphere of activity of the two orders was,

[69] *Ann. Cist.* i. 113, 'id Pater Stephanus a principio nascentis Ordinis . . . his legibus formavit, firmavitque, ut nihil prorsus Cistercium positum Cisterciensem quietem perturbaret.' There is something peculiarly English in the simple, well-defined, practical, character of Stephen's methods of work.

[70] Stephen's legislation, of course, left untouched the individual relation between the monk in orders and the bishop of his diocese.

[71] *Acta Bolland.* v. Bern. *Opp.* iii. 698 (Migne, clxxxv.). 'Juvat hoc loco etiam non negligere singulare amoris vinculum, quo S. Bernardus ejusque familia cum ascetis Carthusianis . . . constricti sunt.'

[72] A dispute however broke out in 1147 and lasted some time, needing the mediation of Eugenius III.

in theory at least, somewhat different. The exact nature of the connexion between them is not quite clear. The 'Acta Bollandiana,'[73] quoting Manriquez, speak of the Premonstratensian order as *Cisterciensi non solum coaevum sed familiarem*, and explain this by the fact that Bernard claims to have given the little plot in Laon called the 'Pratum Monstratum.' Bernard's claim, which Manriquez[74] and others accept, could not have reference to the original site, for it was given by Bartholomew, bishop of Laon, but as the church was removed by Hugh, successor to Norbert, may probably be referred to the second. However this may be, the bond which united the two orders would appear to have been very close. Miraeus[75] speaks of Bernard as *eximium cultorem et propagatorem* of the Premonstratensian order.

Undoubtedly the most formidable rival of the new order of Citeaux was the pre-eminently great abbey of Clugny. But the ideals of Clugny had changed, and its work reached a different stage of development. Under St. Hugh, and later, Peter the Venerable, its sympathies had widened and become more human. Such a development, though natural, and indeed inevitable, was one which admitted of great abuse, and it was, to all appearance, largely by the opposition of its ideals to that of Clugny that the rapid extension of the Cistercian order was due.[76] In this opposition the point which was most emphasised was undoubtedly the contrast between the wealth of Clugny and the poverty—the 'importunate poverty' as Newman calls it—of Citeaux. Bernard's famous 'apology,' addressed to his Clugniac friend William of St. Thierry (1127), laid bare the element of bitterness which was concealed beneath the attitude of the two orders, and the bull of Innocent II, 'Habitantes in' (1132),[77] brought it to a head. This bull was the first in the long series of exemptions which was to assist in raising the Cistercian order to a height hitherto unprecedented in the annals of monasticism. By it the houses of Citeaux were exempt from tithes of lands cultivated by themselves or at their cost and of the food of animals. In its original intent, however, the bull had reference solely to lands held of Clugny,[78] and was, even in its later form, a cause of strife and ill-will. Here may be incidentally mentioned another privilege granted to the order, at the close of the period before us, by Eugenius III in his 'Confirmatio Constitutionum,' to which reference has already been made. By it the Cistercians were

[73] Bern. *Opp.* iv. 684 *et seq.* (Migne, clxxxv.).

[74] *Ann. Cist.* i. 120–21.

[75] *Chronicon Cisterciense*, p. 90.

[76] Gieseler, *Eccles. Hist.* iii. 225.

[77] This is not in the *Bullarium*, but is mentioned by Jaffé, *Regesta Pontificum*, i. 854, under 10 Feb 1132, and given in full by Migne clxxix. 122.

[78] *Fascic. Sanct. Ord. Cist.* i. 37. 'At Pontifex Summus cum Cluniacensium divitias aspexisset, Cisterciensiumque esset extremam intuitus paupertatem . . statuere placuit ne Cistercienses monachi decimas persolverent Cluniacensibus.'

permitted to celebrate mass with closed doors in times of interdict.[79]

In 1127–8 we have a remarkable proof of the growing influence of the Cistercian order in the bold remonstrance addressed by the general chapter to Lewis VI with regard to his action towards the bishop of Paris and the archbishop of Sens. Still more clearly is this shown by the part Bernard played at the council of Troyes in 1128. In 1129, the year in which the first English Cistercian house was founded, the history of the order had become fully merged in that of its representative Bernard; and the history of Bernard was, as has often been said, after 1130, that of the western church. The power wielded by the Cistercians in the church during the next quarter of a century, even apart from the direct influence of St. Bernard, was enormous. Nor does it spring merely from the large number of monasteries, of which there were 343[80] at St. Bernard's death, united in perfect obedience under the headship of Cîteaux, meeting, moreover, in powerful assemblies at which archbishop, bishops, later kings, princes and ambassadors, as well as abbots, attended. The shrinking from honours and dignities,[81] as displayed by the earlier and truer Cistercian type to which St. Bernard himself belonged, had perforce to give way; and the example of Peter, who became archbishop of Tarentaise in 1124, the first Cistercian, says Sartorius,[82] to be called outside the order, was quickly followed. The large number of archiepiscopal and episcopal sees held by Cistercians may be gathered from the list given of those held by monks of Clairvaux alone;[83] and in 1145 the monk Bernard of St. Anastasius ascended the papal throne as Eugenius III.[84] Thus it is not the progress of a poor or an obscure order which we are to follow in England during the years of the Cistercian settlement there (1128–1152), but that of a magnificently ordered system, whose success in Europe was assured before it entered England at all. It is for this reason that the story of the

[79] *Bullar.* ii. 325. This was liable to revision. For the action of the Holy See with regard to the Cistercians in England in 1207 and following years *vide* Gervas. Cant. *Op. Hist.* ii. Append. to Pref. xix, xxxv, and xxxvi, ed. Stubbs.

[80] *Orig. Cist.* i. v. This does not include nunneries of which there were already a large number.

[81] This is very truthfully illustrated by a story told by Caesarius of Heisterbach (vide *Dialogi Miraculorum*, ii. 45, ap. Tissier) of the dying monk, William of Charlieu, who, when questioned as to his refusal of the bishopric to which he had been elected, replied that had he accepted it, he would have lost his soul, *damnatus essem aeternaliter*.

[82] *Cistercium bis-Tertium seu Hist. Elog. Ord. Cist.* p. 354.

[83] *S. Bern. Vita Prima, l. c.* p. 297. Of course this number would be far greater than that of any other house.

[84] This, it has often been said, was the virtual elevation of St. Bernard, for Eugenius was his disciple and spiritual son. But Bernard's influence had been almost as great under the three preceding popes. Perhaps the years immediately following upon the election of Eugenius mark the climax of his power.

plantatio in England, though it is a period of *paupertas fecunda virorum* in which reappear some of the characteristic features of the early struggles of the first houses in Burgundy, is yet of a somewhat different character. It belongs to a later, less heroic, stage in the history of the order at large.

II

From 1119 onward hardly a year had passed without adding to the number of Cistercian houses. Taronca was founded in Portugal in 1119,[85] and before October 1129 thirty-five monasteries were scattered over Burgundy, Champagne, the duchy of Bar, Dauphiny, Languedoc, Picardy, Anjou, the electorate and diocese of Cologne,[86] Guienne, Piedmont,[87] Upper Alsace, Poitou, Auvergne, Upper Franconia and Bavaria,[88] Lorraine, and Saxony.[89] The period of the *plantatio* of the order, which the annalists place between the years 1098 and 1134, was nearly at an end, and the *aetas aurea* (1134–1342) at hand, when, from one of the earlier of these houses, L'Aumône,[90]—*le petit Cisteaux*—founded in the diocese of Chartres in 1121, a little band of monks set out upon a long journey. Crossing to England, they landed silently and unobtrusively, and began (24 Nov. 1128), with the aid of William Giffard, bishop of Winchester, to prepare the way for the coming of the *conventus*, and for the foundation of WAVERLEY, near Farnham[91] in Surrey (28 Oct. 1129). The dates here given are suggested by Janauschek[92] in reconciliation of the conflicting accounts of the chroniclers. The 'Waverley Annals'[93] give 1128 for the foundation of the house, and this date is also given by the 'Annals of Peterborough'[94] and accepted by Dugdale and Tanner.[95] But Waverley, says Janauschek,[96] is mentioned in the series of the daughters of L'Aumône after Landais, that is, after 29 Sept. 1129, and Manriquez,[97] Le Nain,[98] and Henriquez[99] accept this date. It is confirmed, moreover, by two manuscripts in the Cottonian collection

[85] Manriquez thinks later.

[86] Camp founded in 1123, *Orig. Cist.* i. 11. [87] Locedio, 1124, *ib.*

[88] Ebrach, 1127, *ib.* p. 13. [89] Walkenried, 1129, *ib.* p. 15.

[90] Le Nain, *Essai*, i. 286, on the authority of a Cîteaux manuscript, gives the accumulation of alms at the latter house, which Stephen feared might prove a source of temptation to the brethren, as the occasion of the foundation of L'Aumône.

[91] In the diocese of Winchester, and itself the place of residence of the bishop.

[92] *Orig. Cist.* i. 16–17.

[93] *Annales Monastici*, ii. 221, ed. Luard.

[94] Dugdale, *Monasticon Anglicanum*, v. 241. Append. I. ed. Caley.

[95] *Notitia Monastica*, Surrey, xxiii.

[96] *Orig. Cist.* i. 17. Janauschek points out that there must have been tables of the houses of the order from a very early date, as in 1217 an order was issued for the correction (presumably from still older documents) of those in use at that time.

[97] *Ann. Cist.* i. 202–3.

[98] *Essai*, ix. 214. Le Nain here follows Manriquez in preference to the *Monast. Anglic.* (*ib.* p. 209). [99] *Fascic.* ii. 421.

belonging to the thirteenth century.[100] We may therefore conclude that some formality was lacking in the earlier year which would prevent that date, namely, 24 Nov. 1128, from being regarded as the true birthday of the monastery. The correct day of foundation of a Cistercian house was that on which (*a*) the *conventus*—the *coetus apostolici*—the abbot and twelve brethren[101] took possession of a house ready prepared for them, that is to say, with the regular offices such as dormitory, refectory, choir, and so on,[102] completed, and, above all, books provided;[103] (*b*) the convent having taken possession of a site destined for a monastery, settled down in temporary huts ready erected, and began to build a solid structure and a church; (*c*) the convent entered a house which had been surrendered by another order. This day of entry, of introduction, or of solemn inauguration, when the normal number of the monks being complete, the regular monastic life was begun, is the true and legitimate birthday of a Cistercian abbey. The day of departure from the parent-house might have been some time before; there might have been monks on the spot working and preparing for long; the solemn inauguration of the church and convent buildings, or the formal incorporation into the order by the general chapter[104] might be long after; and the grant of the foundation charters might either precede or follow. The dates of these are not to be confused with that of the foundation, though they may afford some guidance with regard to it.[105]

By the charter of the founder, William Giffard, bishop of Winchester, given with the consent of the king and the brethren of his church, Waverley was endowed with the land known by that name and all its appurtenances, two acres of meadow near Helsted,[106] and with pannage, fuel, and other necessaries in the woods of Farnham.[107] The names of the other benefactors of the house during this period are recited together with their benefactions in the confirmation of

[100] These have been printed by Mr. W. de G. Birch in the *Journ. Arch. Assoc* xxvi. 282 (Faustina B. vii. fol. 36), and 357 (Vespasian A, vi. f. 54 b).

[101] Vide *Exord. Cist. l. c.* p. 72. The number twelve was, as has been said, one of the original regulations of St. Benedict. Cf. also Mabillon, *Ann. Bened.* i. 37–8.

[102] The Cistercians rigorously closed their regular offices to religious of other orders. See Ord. Vit. *Hist. Eccles.* viii. c. 26, *l. c.* p. 445, and elsewhere. Peter of Clugny, who opened all his, used to reproach Bernard for want of brotherly affection in this.

[103] *Monuments Primitifs*, 253 xii. (*Instituta*).

[104] This, though not usual, was occasionally done.

[105] *Orig. Cist.* i. 14. [106] *Monast.* v. 241, Append. II.

[107] The abbey was supplied with water from Ludwell nearly half a mile off, the water being brought by ducts which passed under the river and into the offices. In 1216 this supply failed owing to the diversion of some of the smaller springs. The brother who discovered the source of the misfortune, and with infinite toil compelled the streams to flow together again, was immortalised in the following lines:

'Vena novi fontis, ope Simonis, in pede montis
Fixa, fluit iugiter, fistula format iter.'

Ann. Monast. ii. 241.

Eugenius III [108] in 1147. Here also the theoretically unnecessary,[109] but practically important, privilege of exemption from tithes of lands cultivated by themselves or at their cost, was secured to the house. With the exception of the future king,[110] Stephen, the list contains none of the great names which play so distinguished a part in the settlement of the order. Still Waverley appears to have occupied an influential and dignified position [111] among the Cistercian abbeys of England, though at a little later period, as the first of the order founded here. Furness in Lancashire afterwards ventured to dispute with this house the precedence in England, on the ground that it had been founded at least two years earlier. But Furness did not enter the Cistercian order until September 1147, and the question was finally settled in favour of Waverley in 1232.[112] The growth of the latter would not appear to have been rapid as compared with that of the northern houses, for there were only seventy monks and a hundred and twenty *conversi* in 1187.[113] It is to be remembered, however, that during the period five daughter-houses had been sent forth, namely, Garendon, Ford, Thame, Bruern, and Combe.

No just idea of the manner in which the Cistercian settlement in England was carried out would be conveyed by a chronological or even by a geographical grouping of the houses. So fundamental in the system of the order was the principle of kinship that it would moreover seem out of harmony with the spirit of its working to follow the movement from any other point of view than this. Every *conventus* owed obedience to the house from which they had gone forth. From its hearth, they had, as it were, taken the sacred fire, alike in the benediction of the abbot and in the book or books which he had given, which they, in their turn, were to hand on to succeeding generations. Thus it often came to pass, especially in this early period, when considerations of convenience were merely secondary, that houses far removed from one another in place or in date of birth were bound together by the closest and most sacred ties. Moreover, the characteristic features of the work of a house showed a tendency to recur, and sometimes unexpectedly reappeared in full vigour in that of some perhaps far-distant daughter-founda-

[108] *Monast.* v. 242. Append. VII.

[109] Since the privilege referred to above which was granted to the order at large in 1132.

[110] To Stephen, count of Mortain and Boulogne, the Cistercian order, and possibly the parent-house of Waverley, L'Aumône, would be well known.

[111] *Annal. Monast.* ii. 45.

[112] *Ib.* p. 311. 'Quaestio prioratus inter abbatem de Waurleia et abbatem de Furnesio terminatur hoc modo; videlicet quod abbas de Furnesio habeat prioratum in tota generatione Eleemosinae in Anglia, et in generatione Saviniaci in Anglia tantum. Abbas autem Waurleia habeat prioratum ubique, tam in congregationibus abbatum quae fuerint per Angliam, quam alias per ordinem universum.'

[113] *Ib.* p. 244.

tion.[114] It would seem best, therefore, to follow the progress of the Cistercian settlement in England from this point of view, and to group the houses in families and in lines according to their generations.

The first offshoot from the Waverley was GARENDON in Leicestershire, near Loughborough, founded in 1133,[115] by Robert de Bossu, who himself entered the house and gave the town of Stockton for his support. He also granted five carucates and three virgates of land in Geroldonia or Garendon, certain lands in Dishley, two carucates in Ringlethorpe, and the wood of Sheepshed.[116] The sister of Earl Robert, Margaret, countess of Winchester, gave the town of Henley, and his steward, Ernald de Bosco, that of Bitlesdon, later Biddlesdon, in Buckinghamshire, the latter for the foundation of another abbey of the Cistercian order. Among the names of the benefactors of Garendon we meet for the first time those of certain of the great monastic, and especially Cistercian patron-houses of the earlier period. These are Ranulph, earl of Chester, Roger de Mowbray, Robert de Ferrers, earl of Derby, his son and grandson, Robert le Bruys, later Hawise, countess of Aumale and her son William de Fortibus, and later, again, John de Lacy, earl of Lincoln.

FORD, in Dorset, a few miles north-east of Axminster in Devon, was the second daughter-house sent forth from Waverley two or three years later, either in 1135 or 1136.[117] The founder was Richard, son of Baldwin de Brionne. The latter had married Albreda, niece of William of Normandy, and received after the conquest the 'honor and barony' of Okehampton in Devon and the castle of Exeter with the custody of the county; and his son and heir Richard, founder of Brightley later removed to Ford, was sheriff of Devon.[118] In 1133[119] Richard made a grant to Waverley of his land of Brightley, in the later parish of Sampford Courtnay, for the foundation of an abbey of the Cistercian order, and demanded that a convent should be sent to it. Gilbert, abbot of Waverley, agreed, and after three years spent in preparing the necessary buildings, twelve monks under Richard, as abbot, were sent out to Brightley. For the space of a year, owing to the bounty of their founder, they lacked nothing, but after Richard's death in 1137 they began to be in sore need. For four years they carried on the struggle, but in vain, and at the end of that time were compelled

[114] This is illustrated, as will be seen, by the cases respectively of Clairvaux and Rivaulx in Yorkshire, and of Clairvaux and Whitland in what is now Caermarthenshire.

[115] Vide *Ann. Monast.* ii. 223 and i. 186 for annals of Waverley and Burton respectively; *Journ. Arch. Assoc.* xxvi. 283 and 358; *Monast.* v. 328; and *Notit. Monast.* Leicest. ix.

[116] *Monast.* v. 331, Append. II.

[117] The *Annals of Waverley* (vide *Ann. Monast.* ii. 225), and a manuscript printed in part by Dugdale (*Monast.* v. 378) have 1136. One of Mr. Birch's lists, however, (vide *Journ. Arch. Assoc.* xxvi. 284), Manriquez, Henriquez, and Janauschek have 1135.

[118] *Monast.* v. 377–8, Append. I.

[119] *Ib.* Oliver, *Monasteries of Devon*, p. 49, has 1132.

to return to the parent-house. Going back as they had come, on foot, with uplifted cross, they passed through the manor of Thorncomb, where Adelicia, sister and heiress of Richard, saw them. Calling them to her she heard their story and was filled with grief and shame that the pious intention of her brother for the honour of God and the welfare of his house should have been so frustrated. Straightway she conferred upon them in exchange for Brightley her house in the manor of Thorncomb called Ford (later Westford) till a more suitable building could be prepared. Here they remained six years, until the house called Hartescath, afterwards Ford, was completed.[120]

The third daughter-house of Waverley, Thame, situated about a mile from the Oxfordshire town of that name, in what is now Thame Park, was founded 22 Aug. 1138.[121] The date of the original foundation of Sir Robert Gait,[122] which was 'at Otteley in the parish of Oddington,' is unknown.[123] Robert's endowment consisted of five virgates of land, to which Edith, wife of Robert d'Oily, added a part of her dower in Weston, and the abbot and convent of Waverley one hide in Norton. The other benefactors of this abbey are, in connexion with the Cistercian settlement, unimportant with the exception of the diocesan Alexander, bishop of Lincoln. The latter, by the gift of his park at Thame to which he removed the abbey, became its second founder.

Bruern, also in Oxfordshire, near Burford, was founded in 1147[124] by Nicholas Basset. Among the benefactors were Robert, Geoffrey, and William de la Mare and Ralph of Aumale.[125]

The last and most northerly of the houses sent forth by Waverley during the period of the settlement,[126] was Combe in Warwickshire, five miles from Coventry, founded by Richard de Camville in 1150.[127] The original endowment of the founder, which consisted of *totam terram de Smita*,[128] with all pertaining thereto, was confirmed by Roger de Mowbray,[129] who, with Nigel and William de Mowbray,

[120] *Monast.* v. 378, Append. I.

[121] The *Annals of Waverley* give this date, but one of Mr. Birch's lists (which Janauschek follows) and Manriquez have 1137.

[122] *Monast.* v. 404, Append. II. Cf. also p. 403.

[123] Traces of this foundation remain at Oddington Grange, a few miles from Oxford.

[124] The *Waverley Annals* (*l.c.* p. 232), and both Mr. Birch's lists give this date, which is accepted also by the editors of the *Monast.*, Manriquez and Henriquez.

[125] *Monast.* v. 497, Append. I.

[126] Grace-Dieu in later Monmouthshire, the only remaining daughter-house of Waverley, was not founded until 1226.

[127] The *Annals of Waverley* (*l.c.* p. 233), one of Mr. Birch's lists (*l.c.* p. 361), Manriquez and Janauschek. The *Annals of Louth Park* (v. *Monast.* v. 582) give 1149, and Mr. Birch's other list (*l.c.* p. 288) 1151.

[128] *Monast.* v. 584, Append. I. For the reason of the donation in the character of the site, which was low, woody, and solitary, *vide* Dugdale, *Warwickshire*, pp. 144-5.

[129] *Monast.* v. 584, Append. II.

Robert and Reginald Basset, appears again among the benefactors of this abbey. By a grant of Henry II [130] somewhat later the monks of Combe became possessed of important privileges within their territory, 'free-warren, court-leet, felons' goods, infangthef and outfangthef: to be free likewise from services to the county and hundred court; and, moreover, from paying of toll; and all other customs pertaining to the crown.' Among the 'antient' gifts to this house Dugdale mentions that of John of Merston, 'otherwise called John Jabet,' of lands in Merston, 'to find shoos for the poor that were dayly releived at the Abby-gate.' [131]

Even during this early period the daughters of Waverley carried on the work of the *plantatio* to the third and fourth generation. The first offshoot from Garendon, Biddlesdon, six miles from Buckingham, has already been mentioned. Ernald de Bosco, steward of Earl Robert of Leicester, the founder of the parent-house, had come into a possession which he regarded as insecure on account of the peculiar method of its acquisition, described in the abbey register. Robert de Meperteshal, lord of Biddlesdon, had got into difficulties by stealing a dog in the king's court. He hastened, however, to extricate himself by the gift of the township of Biddlesdon, with five virgates of land near Whitfield, to Geoffrey de Clinton, the chamberlain, then in the enjoyment of the king's favour. The gift was made on the definite understanding that Robert should be defended from the legal consequences of his act. Meanwhile William, son of Aluredus, lord of Marieland, had conferred half the latter upon Robert for a place of sojourn in the neighbourhood. In the course of time Geoffrey de Clinton returned to Robert Biddlesdon and the land at Whitfield as the dower of a kinswoman whom the latter married. These lands were now held by Robert with the half of Marieland above mentioned, which henceforward became attached to, and followed, Biddlesdon. In the time of Stephen's wars, Robert, through neglect of the services due from them, again lost these lands, this time by escheat to his lord, the earl of Leicester. The latter conferred them upon his steward, Ernald de Bosco, who, foreseeing that his right would be contested, and that the land would not descend in safety to his heirs, sagaciously determined, with the consent of his lord, to found an abbey there (July 8, 1147).[132] His foresight was justified. Robert de Meperteshal subsequently claimed the lands, and the monks were obliged, with the help of Earl Robert, to acquit his claim, and purchase a charter of confirmation, by the payment of ten marks. This story is a fair illustration of the difficulties of some of the early Cistercian houses. The seemingly generous donations were frequently, if not as a rule, of land which the founder

[130] *Monast.* v. 582–3. [131] *Ib.*
[132] *Ib.* 366–7, Append. I; *Journ. Arch. Assoc.* xxvi. 360.

valued least among his possessions, occasionally, as in this case, of land labouring under some disability, which would severely tax the resources of an obscure and struggling house. There was apparently some peculiarity in the relationship of Biddlesdon or Bitlesdon and its parent-house Garendon, for the former is expressly stated both in the charter of Ernald de Bosco [133] and in that of the earl of Leicester [134] to have been subordinate to Garendon. In what this subordination consisted beyond the statutory subjection of a Cistercian monastery to the house from which it sprang, does not appear.

Bordesley in Worcestershire, near Bromsgrove, founded in 1138,[135], was also derived from Garendon. The charters relating to the foundation of this house are difficult to reconcile. That of the Empress Matilda states that she was the foundress of Bordesley, and gives her donation.[136] It is witnessed among others by Waleran de Beaumont, earl of Mellent, and confirmed by Richard I [137] without mention of another founder. Yet there exists also a charter of Earl Waleran,[138] in which he declares himself to be the founder of Bordesley and the donor of certain of the lands mentioned in Matilda's charter. No doubt the unsettled state of the country at the time when the Cistercian order was taking root in England, by which the progress of the movement was so powerfully affected, left a minor trace in the accumulation of charters to the various religious houses. Yet the reason of the existence of the two in the case of Bordesley is not so obvious as, for instance, in that of Radmore in Cannock Chase in Staffordshire. Both Stephen and Matilda declared themselves to have given and confirmed the endowment of the latter.[139] It was thus entitled to the respect of both sides in the civil war. Among the benefactors of Bordesley the earls of Chester again appear.[140]

The abbeys derived from Bordesley complete the filiation of

[133] *Monast.* v. 367, Append. II, 'Sciatis me dedisse terram meam de Bitlesdena in bosco et in plano ordini de Cistels intitulato ad abbatiam de Gereldona.'

[134] *Ib.*, Append. V, 'Volo et concedo donum quod Ernaldus praedictus dedit . . . ad abbatiam faciendam et adtitulatam ad abbatiam de Geroudona.'

[135] *Ann. Monast.* i. 186; *Journ. Arch. Assoc.* xxvi. 285 and 359; *Notit. Monast.* Worcest. iv.; *Monast.* v. 407; *Orig. Cist.* i. 53.

[136] *Monast.* v. 409, Append. I, 'totam terram Bordesleie et Teneshale, et Ludeshale, et Cobesleie, et Holesweie, praeter terram parcarii, et totum dominicatum Budifordiae et Northuniae, in bosco et plano, in pratis et pasturis, in aquis et molendinis, et in omnibus aliis pertinentiis. Praeterea ius advocationis et dominationis ecclesiae de Terdebiga, cum virgata terrae in eadem villa. . . .'

[137] *Ib.* Append. II.

[138] *Ib.* p. 410, Append. III. 'Sciatis me fundasse abbatiam de Bordesleia . . . dedimus in elemosinam perpetuam et confirmamus, totam terram de Bordesleia et de Teneshala, et de Terdebigga, cum omnibus pertinentiis suis, et ius advocationis, et donationis ecclesiae eiusdem villae de Terdebiga.'

[139] *Ib.* p. 446, Append. I and II.

[140] *Ib.* p. 407. Cf. p. 410, Append. IV.

Waverley at the close of this period, as neither Bruern nor Combe sent forth any daughter-houses, and those of Ford [141] and Thame [142] fall beyond. The first of these was STONELEIGH, in Warwickshire, called also Stanley in Ardern, translated from Radmore in Cannock Chase in Staffordshire. From the charters of the Empress Maud and Stephen [143] it would appear that the land of Radmore, with a tract called Mellesho, was given and confirmed by both the opposed sovereigns to a small society of hermits about the year 1141.[144] Roger de Clinton, bishop of Chester, gave permission to the latter to adopt any form of religious life they might choose, and to receive and instruct women therein. After some years of anxiety and trouble, arising from the disturbed state of the country, they applied to the empress to change their seat. This she promised on condition of their entrance into the Cistercian order, for which she entertained great affection. The hermits, after a little deliberation, accepted the condition, and two charters of Henry, duke of Normandy,[145] attest the foundation of the Cistercian house of Radmore in this forest.[146] Here they remained thirteen years in spite of insufficient provision and the incursions of the foresters, until in 1154, Henry, now king, at the request of his mother, gave them in exchange for Radmore his manor of Stoneleigh, near Kenilworth, in Warwickshire, to which they removed in that year.

'Westwards of Atherton [in Warwickshire] scarce a mile,' the well-known Cistercian patron, Robert de Ferrers, earl of Derby, chose the site of MEREVALE as fittest for solitude and devotion. Merevale was the second daughter-house of Bordesley, and was founded 2 Oct. 1148.[147] According to the charter of Earl Robert,[148] the abbey was endowed, with restricted reference to the salvation of his own soul and those of his wife and father,[149] with his forest in Arden, what he had in Whittington, the manors of Weston and Overton, or Orton, 'Hardwick in the Peak' in Derbyshire, and some pasture lands.

[141] Bindon in Dorsetshire (1172), and Dunkeswell in Devonshire (1204).

[142] Rewley, near Oxford (1281).

[143] *Monast.* v. 446, Append. I and II.

[144] *Ib.* p. 447, Append. VI.

[145] *Ib.* p. 447, Append. IV and V.

[146] Upon entering the Cistercian order, the hermits of Radmore would, of course, resign the right conferred by Bishop Roger, to receive and instruct women, for houses of men and women, such as the Gilbertine in England, were against the Cistercian rule (vide *Monuments Primitifs de la Règle Cistercienne*, p. 251, vii.), and even the presence of *sorores conversae* was strictly forbidden.

[147] *Monast.* v. 481, with which one of Mr. Birch's lists, Manriquez, and Janauschek agree.

[148] *Ib.* p. 482, Append. I.

[149] The more usual form of endowment had reference to the welfare of the race of the founder, in some such form as 'Sciant omnes . . . quod ego . . . dedi et confirmavi . . . pro anima mea et animabus patris et matris meae, et omnium praedecessorum nostrorum et successorum nostrorum.' This was rarely extended to include friends, occasionally, all Christian souls.

Flaxley or Dean in the forest of that name in Gloucestershire, the third and last offshoot from Bordesley, was founded by Roger, second earl of Hereford, in the time of Stephen.[150] The exact date of its foundation is unknown.[151] It may probably be placed between the years 1151 and 1154, as the charter of Henry, which might, however, it is to be remembered, either precede or follow the foundation, is given as duke of Normandy and count of Anjou,[152] therefore after the death of his father in 1151, and before his accession to the English throne. After the year 1154 he granted a second charter as king.[153] With the foundation of Flaxley, the work of Waverley in the settlement, dignified and useful rather than great, was complete.

III

The true interest of the Cistercian settlement lies in the north, and, at a somewhat later period, in the west. *In civitatibus, castellis, villis*, runs one of the earliest regulations of the 'first fathers,' *nulla nostra construenda sunt cenobia, sed in locis a conversatione hominum semotis.*[154] This in early Cistercian practice came to mean, where possible, wild, secluded valleys. Thus the southern and midland parts even of twelfth-century England, where, moreover, the older orders were in possession of the soil, offered no free scope for the newborn, restless energy of the monks of Cîteaux. It is not here, therefore, but among the Yorkshire dales and moorlands, and the deep valleys of Wales, that we must seek for the spirit which animated the founders of Cîteaux. With it reappear some of the characteristic features of the early movement in Burgundy, and it is important to notice in the cases both of Yorkshire and of Wales that the main impulse of the movement proceeded direct from the greatest of the parent-houses, Clairvaux itself. The foreign Cistercian writers are strangely silent as to Waverley, though it was undoubtedly, as we have seen, the first house of the order founded in this country. Manriquez, while giving the dates correctly, somewhat doubtfully assigns to Waverley rather than to the earliest of the northern houses, Rivaulx, near Helmsley, in the North Riding of Yorkshire, the precedence in England.[155] Speaking of William, first abbot of Rivaulx, the same author says that he was worthy to introduce the Cistercian rule of life into England, his fatherland.[156] Miraeus[157] and Henriquez (though the latter again dates Waverley

[150] *Notit. Monast.* Gloucest. xi.

[151] Manriquez gives 1151, and this Janauschek also accepts.

[152] *Monast.* v. 590, Append. I. In the *Cartulary of Flaxley Abbey*, pp. 1-2, ed. A. W. Crawley-Boevey, the foundation of the house is placed between the years 1148 and 1154.

[153] *Ib.* Append. II.

[154] *Instituta* ap. Guignard, p. 250, i. Cf. also *Exord. Cist. ib.* p. 72.

[155] *Ann. Cist.* i. 202-3. [156] *Ib.* p. 227. [157] *Chron. Cist.* p. 89.

correctly[158]) refer to the entry of the Cistercian order into this country as having been brought about by Walter Espec,[159] founder of Rivaulx, and Thurstan, archbishop of York, the great patron of the Yorkshire abbeys. Even Dugdale[160] felt it to be necessary to mention the difference of opinion among our historians as to whether or not Waverley was the first house of the order founded here. Ailred of Rivaulx incidentally throws light upon the origin of the confusion in the complete insignificance of Waverley until the spread of the order in the north.[161] The Yorkshire settlement would appear to have been the result of an entirely separate movement originating from Clairvaux, and not, as the editors of the 'Monasticon' suppose,[162] brought about by the monks who came to England in 1128.[163] With the work of the latter it is improbable that Bernard had any connexion. They were sent, as has been said, from L'Aumône, of the line of Cîteaux, and their coming was silent, almost unknown. Not so that of the monks whom Bernard sent forth from Clairvaux. Henriquez tells the story as that of the introduction of the order into England, without mention of Waverley, in his life of William, first abbot of Rivaulx, *qui Ordinem Cisterciensem primus propagavit in Anglia*. From Henriquez therefore we may borrow.[164]

William was an Englishman of honourable birth and liberal education, who, overcome with weariness of earthly fame and desirous of serving God only, retired to Clairvaux, where, under the guidance of St Bernard, he made great progress in the divine life and knowledge.[165] At this time Bernard, fired by the zeal of extending his order, resolved to send forth certain of his sons to tell in the isles the story of the glory of the Lord. Above all did he think of England where religious life was languid, and had wellnigh perished—lost in

[158] *Fascic.* ii. 421.

[159] *Menologium Cist.* p. 99 (note) ed. Henriquez, 'ipso enim procurante et expensas suppeditante Cist. nostri primum locum in ea insula obtinuerunt.' Cf. also *Fascic.* i. 210.

[160] *Warwickshire*, p. 145.

[161] *De Bello Stand.* ap. Twysden, *Decem Scriptores*, p. 338. 'Waverlenses quoque fratres qui hactenus quasi in angulo latuerant, cognito quod eiusdem essent ordinis, Cisterciensium monasteriorum numerum auxerunt.'

[162] Vol. v. p. 274.

[163] The authority of Ailred (*l.c.*) is distinctly in support of this view. Speaking of Walter Espec, he says, 'Cisterciensem ordinem . . . favente sibi glorioso rege Henrico in has partes advexit, suscipiens fratres de monasterio nobilissimo Clarevallis per manum Deo dilecti Abbatis Bernardi. Qui venientes in Angliam anno ab incarnationis Domini 1132. . . .'

[164] *Fascic.* i. 209-11. This writer Janauschek justly describes as an *auctor operosior quam accuratior*, but the main outlines of the story given here are confirmed by Hugh of Kirkstall (*vide* Walbran, *Memorials of Fountains Abbey*, i. 3), and Ailred of Rivaulx (*l.c.*)

[165] William was the monk to whom St. Bernard dictated his famous letter written 'in medio imbre sine imbre.' Vide *S. Bern. Vita Prima*, Bern. *Opp.* iv. 255 (Migne, clxxxv.).

the swelling tide of vice. For this purpose he chose William as most worthy, and in his charge placed others both pious and fit. These took ship and came to England. Here, lest they should enter upon a task of such importance lightly and without due preparation, William presented himself and his companions before Henry, king of the English, and in all humility delivered unto him the letter of his master:—

Henrico illustri Anglorum Regi, Bernardus abbas dictus de Claravalle. . . .

In terra vestra tenetur praeda Domini mei atque vestri, et illa praeda, pro qua maluit mori, quam carere illa. Ego eam sequi disposui et mittere de nostra militia, qui in manu valida, si vobis non displicet, requirant, recuperent, et reducant. Et nunc huius rei gratia praemissi hos, quos praesentes cernitis, exploratores. . . . Assistite eis tanquam nuntiis Domini vestri, et in ipsis feudum vestrum deservite.[166]

The king, who had graciously received the monks, armed them with gifts and privileges that they might freely preach the word of God among the people, and recall sinners to the paths of perfection. With infinite toil did they strive to recover and bring back the ancient inheritance of the Lord, now in miserable bondage under the fraudulent tyranny of the enemy. William, their strong leader, went before them, and with words of heaven-born wisdom and example of wondrous sanctity turned aside all the darts of the old enemy, and moved that people to walk in the paths of virtue and confirmed them therein. And so it came to pass that Walter Espec, a noble Englishman, won by the fame of the holy man, built Rivaulx in a place of horror and dreary solitude,[167] and gave it to William and the Cistercian order in 1131.[168] From this place, as from a strong fortress, they went forth against the prince of darkness and fought manfully, growing day by day, in spite of envy, insult, affliction, and wrong. For Thurstan, archbishop of York, helped and shielded them, opposing himself as a strong wall against their enemies; and so the persecution was stilled.

The year 1131 was the generally received date of the foundation of Rivaulx. It is given in a manuscript printed by Dugdale,[169] by

[166] Bern. *Opp.* i. 223–4, Ep. 92 (Migne, clxxxii.). Migne dates the letter 1132, but it would probably be early in this year and according to the old reckoning 1131. Cf. also Hugh of Kirkstall (*Memorials of Fountains*, i. 3, Surtees Soc.), who, speaking of this letter, says 'exstat adhuc eiusdem epistola quam pro eis ad regem scripserat asserens, teneri praedam . . . Suadet regi ut nuntiis assistat. . . . Quod et factum est. Suscepti cum honore a rege et regno, in provincia Eboracensi nova iaciunt fundamenta, construentes abbatiam quae Rievallis nominatur.'

[167] This expression 'in loco horroris et vastae solitudinis' was a form of speech to which the Cistercian writers were much addicted. Mr. Walbran regards it as an appropriation of the original description of the site of Clairvaux. It certainly appears in the *Vita Prima* of William of St. Thierry, *l.c.* p. 241.

[168] Or 1132 (see the following paragraph).

[169] *Monast.* v. 280, Append. II. This date is accepted by the editors, *ib.* p. 274.

both the lists printed by Mr. Birch,[170] and is accepted by Manriquez. The chronicle of Melrose,[171] the first daughter-house of Rivaulx, has 1132, also that of John of Hexham,[172] and Ralph of Coggeshall,[173] and this Leland[174] and Janauschek[175] accept. As we have, moreover, the authority of the abbot Ailred[176] for the fact that it was founded in the same year as Fountains, the most probable date would seem to be 5 March 113½, 'it being Saturday.' The 'place of horror' was a solitary spot in Blackmoor near Helmsley, in the North Riding of Yorkshire, the site chosen for the monastery being a deep, overgrown valley, that of the little river Rye. The original donation of Walter Espec given in 1130[177] consisted of nine carucates of land, four in Grift and five in Tilbeston. To these he added the manor of Helmsley, and wood, pannage, and the like in the forest of Helmeslac, and in 1145 Bildesdale or Bilesdale. For variety of gift the list of the benefactions of Rivaulx is instructive, and it is interesting, moreover, as showing how the great wealth of the abbeys grew up from the accumulation of small donations.

As to the life of the founder, Walter Espec, great variety of opinion appears among the Cistercian writers.[178] There seems, however, good reason to believe that it was not until he could no longer serve his country that the old soldier, who had fought in the battle of the Standard at Northallerton, retired to his canons of Kirkham,[179] to close in prayer a life of vigorous action. He was probably, in spite of the tradition which assigns to him a son, childless, and died in the same year as St. Bernard, 1153. His inheritance passed to his three sisters, the patronage of Rivaulx descending to Adelina, who married Peter de Roos or Ros. The growth of Rivaulx[180] was

[170] *Journ. Arch. Assoc.* xxvi. 283 and 358.

[171] *Chr. de Mailros*, p. 69, Bannatyne Club.

[172] Ap. Symeon. Dunelm. ii. 285, ed. Arnold. [173] *Chron. Angl.* p. 9, ed. Stubbs.

[174] *Collectanea*, i. 42. [175] *Orig. Cist.* i. 22–3. [176] *L.c.* p. 338.

[177] *Monast.* v. 281, Append. IV and V.

[178] The *Menolog. Cist.* p. 99, only, of course, enters him as a monk, who 'in humilitate et paupertate Deo placere studuit.' That he was ever a Cistercian monk, however, is not proved. Henriquez, in a note to the above quotation, says that he learnt the rudiments of monastic life at York under a certain Stephen. Miraeus makes the latter into Stephen Harding of Cîteaux, but this Manriquez corrects. Cf. also *de Bello Stand. l.c.* p. 338 *et seq.*, for the part played by Espec in the battle as an old man. The story of the death of his son and heir William is circumstantially told in a Cottonian MS. (vide *Monast.* v. 280, Append. II), and has been used to enhance the beauty and interest of the ruins of the various foundations of Walter Espec. There is no mention of such a son, however, in any of the legal documents executed by Walter, even in those relating to Kirkham Priory, which the tradition says he founded near the scene of that son's fatal accident. Moreover, Ailred (*l.c.* p. 338) has no mention of a child, but expressly says with regard to Walter, 'cum liberis careret haeredibus.' Cf. also the life of Ailred in the series published under the direction of Newman, *Saints of England*, iv. 79–88.

[179] Kirkham Priory of the Austin Canons Regular had been founded by Walter in 1122.

[180] Alexander III confirmed to this house all its possessions and privileges. Jaffé,

wonderfully rapid, far outstripping that of Waverley. In 1143 there were more than 300 religious and lay brethren [181] bound together in extraordinary unity. From about this time and for many years the history of the house was that of the Abbot Ailred, who entered in 1135, led out the convent of Revesby in 1143, and returned to become abbot of Rivaulx two years later. Ailred is taken by Newman as a type of the internal life of the cloister. From his writings may be gathered the feelings and motives which actuated men of the loftier, more spiritual, and at the same time more genuinely Cistercian type, to enter upon the monastic life at this period.[182] In Ailred's case the Cistercian law of sacrifice with regard to study was relaxed.[183]

The spread of the order from the year 1131 onwards, and more especially during the troubled times which followed upon the death of Henry I, was so rapid [184] that the point of view of the writers who regard Rivaulx as the true starting-point of Cistercian work in England is easily understood. The advance, moreover, was sure as

Regesta Pontificum, ii. 151; cf. also *Monast.* v. 283, Append. IX, for the instrument in full. Rivaulx would appear notwithstanding to have at a later time suffered under the infringement of the privilege of exemption from tithes granted in 1132. Cf. Bull of Alexander IV, in *Monast.* v. 284, Append. XV. The words of the bull which granted the privilege were: 'ne de laboribus quos propriis manibus aut sumptibus excolunt nemini decimas solvere teneantur.' The sinister interpretation against which the bull of Alexander IV to Rivaulx is directed, sprang from the reading of *de laboribus* as though it were *de novalibus*. This was a common complaint of the early Cistercian houses.

[181] *Essai sur l'Histoire de Cîteaux*, ii. 233–4.

[182] See Newman's *Saints of England*, iv. 79 *et seq.*, for the spiritual side of the Cistercian reform as represented by Ailred. Dalgairns there says that the *Speculum Charitatis* of this writer should be read side by side with the *Charta Charitatis* as a commentary.

[183] *Fascic.* ii. 224; cf. by the same author, *Phoenix Reviviscens*, p. 28. Cf. also *Monuments Primitifs*, 266, lviii. It was not until more than a century later that the Cistercians sought and obtained the sanction of the pope for the building of schools at Paris and elsewhere. The greatness which Henriquez in another place claims for the order in philosophy and theology does certainly not belong to this period, and was, as he says, 'praeter antiquorum patrum consuetudinem,' and the result of 'experientia quae omnium rerum mater est.' *Vide* Matt. Paris, *Chron. Majora*, v. 79 (ed. Luard), for the reason of the change of attitude with regard to study which had taken place in the order in 1249, 'monachi ne amplius forent contemptui fratribus Praedicatoribus et Minoribus . . . novum impetrarunt privilegium. Et ad hoc nobiles sibi Parisius et alibi . . . paraverunt mansiones, ut scholas exercendo, in theologia, decretis et legibus studerent liberius, ne viderentur aliis inferiores. . . .' Individual abbots, as in Ailred's case, did undoubtedly study from the earliest period. Stephen Harding himself found time to produce the Bible which goes by his name, and is still preserved in the library at Dijon, 'ad cuius normam omnia eiusdem Ordinis Biblia corrigi praeceptum erat.' And there must have been many abbots like Fastolph of Fountains at this period who both studied and diligently taught his monks. The latter wrote homilies, commentaries, and treatises upon music and harmony. *Phoenix*, pp. 101–2.

[184] *De Bello Stand. l.c.* p. 338, 'multos suae religionis fama ad optimorum studiorum aemulationem incitaverunt [*scil.* Rievallenses] unde in brevi multiplicasti super numerum plurima in regno utroque, Angliae scilicet et Scotiae cenobia condiderunt.'

well as rapid, the failure of individual houses being rare, so complete was the system which bound them together.[185] Both by direct effort and still more by unconscious influence did Rivaulx carry on the work.[186] Her daughter-houses sent forth during this period were four—Melrose, Warden, Revesby, and Rufford.[187] The history of MELROSE, the first Cistercian abbey founded in Scotland, belongs to the monastic history of that country. So, also at this period, does that of its daughter-house Holme-Cultram, on the shores of the Solway Firth in Cumberland. The latter was founded in 1151 by Henry, son of David I of Scotland.[188] It is not until the final cession of Cumberland to the English crown by Malcolm IV in 1156–7 and the grant to the abbey of a charter of confirmation by Henry II [189] that Holme-Cultram may be regarded as an English house. WARDEN or de Sartis (*wardonae essartum*) in Bedfordshire, was the third house founded by Walter Espec, probably in 1136.[190] The donation of the latter consisted of the cleared land of 'Wardon and Sudgivela,' with the wood belonging thereto, and certain rights of pannage and so on in all the woods of the said donor.[191] Warden was one of the more powerful abbeys of the order and actively carried on the work of extension, sending forth three daughter-houses, namely, Sawtrey, Sibton, and Tilty. The two former fall within this period and will be noticed later. The third, though founded a little after its close, that is to say in 1153,[192] may be incidentally mentioned here as the gift of one of the greater patrons of the Cistercian settlement, Robert de Ferrers, earl of Derby. Meanwhile, the direct work of Rivaulx was steadily advancing. REVESBY, in Lincolnshire, not far from Horncastle, was founded in 1142 or 1143 [193] by William de Romara, earl of Lincoln. It was dedicated, not to the Virgin alone, as was the usual Cistercian custom,[194] but to the Virgin and St. Lawrence. The charter of

[185] Vide *Carta Charitatis*, ap. Guignard, p. 82.

[186] *De Bello Stand*, *l.c.* p. 338: 'ita alii ab ipsis Rievallensibus procreati, alii eorum exemplo provocati, multis cenobiis clariorem insulam reddiderunt.'

[187] Pulton in Cheshire (1153), one of the foundations of Ranulph, second earl of Chester, was a daughter-house of Rivaulx, falling beyond our period. It was afterwards (1214) removed to Dieulacres, near Leek in Staffordshire.

[188] *Journ. Arch. Assoc.* xxvi. 288 and 361, and *Orig. Cist.* i. 130. *Monast.* v. 593, has 1150.

[189] *Monast.* v. 594, Append. I.

[190] Stephen's confirmation charter is dated 1135 (vide *ib.* p. 372, Append. I), and this is the date given by the editors of Dugdale (*ib.* p. 369). Dugdale himself gave 1136 (*ib.* p. 372), for which see also *Ann. Monast.* i. 186; *Journ. Arch. Assoc.* xxvi. 284 and 358. Manriquez and Janauschek accept the latter date.

[191] *Monast.* v. 372, Append. I.

[192] The date of this house is variously given. 1153 is that accepted by Janauschek.

[193] *Monast.* v. 453–4; and *Orig. Cist.* i. 76.

[194] *Instituta*, ap. Guignard, pp. 254–5, xviii. 'Decernimus ut omnes ecclesie nostre ac successorum nostrorum in memoria eiusdem celi et terre regine sancte Marie fundentur ac dedicentur.'

Earl William [195] contains a list of the exchanges and compensations by which he secured to the monks Revesby, Thoresby, and Saxby. RUFFORD, near Ollerton in Nottinghamshire, the last daughter-house sent forth directly from Rivaulx at this time, was founded in 1146 or 1148 [196] by Gilbert, earl of Lincoln. It was endowed by the latter with all Rufford, thirty acres on the banks of the Trent, his land in Cratela, one carucate in Barton and certain lands in Willoughby.[197]

The two houses derived from Warden, which fall within this period, have still to be noticed. SAWTREY in Huntingdonshire was probably founded in 1147 [198] by Simon de St. Liz, earl of Northampton.[199] His endowment was confirmed by Malcolm of Scotland, as earl of Huntingdon.[200] No abbot of Sawtrey before 1193 was known to the editors of the 'Monasticon,' but Henriquez [201] mentions a certain Henry, whom in one place he calls abbot of Saltrey, or Sawtrey, and places about the year 1140. Probably, however, this was only a monk of the house.[202] Henriquez says the latter was partly educated by Gilbert (probably Gervase) of Louth Park, and was wont to teach the 'fear of the Lord' as 'the beginning of wisdom.' Being possessed, moreover, by the belief that men were more powerfully moved by the fear of punishment than by the love of virtue, he would impress upon his hearers that nothing 'that defileth' can enter into the kingdom of heaven. Apparently under the influence of the same conviction as to the motives of human action, he wrote a book on purgatory.[203] SIBTON, near Yoxford, in Suffolk, was founded in 1149 [204] by William Chesney or Cheney, in performance of a vow of his brother John, who died before he could himself fulfil it, *propter multa mala quae gesserat*.[205] With the foundation of Sibton the direct work of Rivaulx in the

[195] *Monast.* v. 454, Append. I. Another William de Romara, nephew of the above, founded from Revesby the abbey of Clive or Vallis Florida, on the north coast of Somerset, in 1188.

[196] *Journ. Arch. Assoc.* xxvi. 287, has 1147; *ib.* p. 360, 1148. With the latter Manriquez and Janauschek agree. Cf. also *Monast.* v. 517–8.

[197] *Ib.* p. 518, Append. I.

[198] Dugdale (*ib.* p. 522) gives 1147. His editors (*ib.* p. 521) have 1146. For 1147 cf. Ralph of Coggeshall, *Chron. Angl.* p. 12; and *Journ. Arch. Assoc.* xxvi. 287 and 360. The latter date is accepted by Manriquez and Janauschek.

[199] *Monast.* v. 522, Append. I.

[200] *Ib.* p. 523, Append. II.

[201] *Fascic.* ii. 253.

[202] Tanner, *Bibliotheca*, p. 397.

[203] *Fascic.* ii. 253: 'et quia videbat homines plerumque magis poenae timore quam virtutis amore a vitiis deterreri populo identidem inculcare consueuerat, nihil iniquitatum intrare posse in regnum coelorum.' The book on purgatory was entitled *De Purgatorio S. Patricii* and was directed to Henry, abbot of Warden or de Sartis. For the prologue *vide* Migne, clxxx. p. 975. Cf. also ib. 971–4.

[204] Ralph of Coggeshall, *Chron. Angl.* p. 13; *Chron. of John of Oxenedes*, p. 432, Rolls Ser.; *Journ. Arch. Assoc.* xxvi. 287 and 360; and *Monast.* v. 558, have 1149 Dugdale himself (*Monast.* v. 559, ed. Caley) gave 1150, and this Janauschek also (*Orig. Cist.* i. 118) prefers.

[205] *Monast.* v. 560, Append. IV.

settlement of the Cistercian order in this country was completed. That this was but a part of that work, however, we have repeated proofs in the traces which remain of its very great influence exercised both consciously and unconsciously at this time.

The greatest abbey of the north was undoubtedly that of Fountains, near Ripon, in Yorkshire. The story of the foundation of this house presents a close parallel with that of Citeaux itself, and the monks were wont to find in the fact great consolation for their sufferings.[206] The saintly example of the men who had come 'from a far country' to Rivaulx, called into life a new spirit among the monks of the great Benedictine house of St. Mary's, York. The abbot of the house, *vir grandaevus et etate confectus*, was alarmed at the sweeping character of the changes proposed by the reformers. He lamented that so great a misfortune should befall him in his old age as the rebellion of his sons. Warning the latter, therefore, of the presumptuous nature of their desire for perfection, he put forth every effort to stifle the new and dangerous spirit. In this he was firmly supported by the majority of the monks of the house, who shared their abbot's profound objection to any changes threatening not only the peace of the community, but the moderate ease which a wise and liberal interpretation of St. Benedict's rule permitted to them. In despair of sympathy or help from abbot or brethren, the reformers under Richard the prior appealed to Thurstan, archbishop of York. To him Richard went in person and showed how heavily upon their conscience lay the weight of the profession they had made, the lax manner in which they had hitherto carried it out, their desire for perfection, and intent to pursue the same. Moreover, he laid before him the opposition of the brethren and the prohibition of the abbot, asking counsel and humbly imploring help. The holy bishop saw that the work was of God and not of man; he promised his aid, and straightway named a day upon which to visit the abbey. Meanwhile, Geoffrey the abbot, suspecting what had taken place, was alarmed lest Thurstan should support the rebels. He at once despatched messengers to various monasteries throughout the country, calling to him learned men and monks from all parts, in order that he might be strong for the conflict which he saw to be at hand. In due time the archbishop arrived at the abbey, having in his train, as it was fit, men of authority, discreet clerks, canons, and a large number of other religious. The abbot, attended by a crowd of monks, met him at the entrance to the chapter-house, and forbade his entrance with so great a following. It was unlawful, he said, for a secular person to be present at the chapter of the abbey, nor could he allow the risk to monastic discipline

[206] See Mr. Walbran's edition of the chronicle of Hugh of Kirkstall, *Memorials of Fountains*, i. 1–109, Surtees Soc.

from the presence of so large a number of clerks. Let the archbishop dismiss his followers and enter alone. At these words the bishop was very angry. It was wholly unfit, he pointed out, that he should take part in so important an affair alone and without counsellors, and moreover the scruple was absurd which had already permitted the entrance of so large a number of monks from all parts of the country. Upon this the calm of the cloister was broken and a tumult arose. The followers of the archbishop essayed to force their way in, while the monks resisted and hurled them back. At last the holy bishop succeeded in enforcing silence; whereupon he laid the church under a solemn interdict and suspended the monks from the use of the blessed sacraments. He then retired into the church with his own followers, who were thus effectually separated from their opponents, *sicut adeps a carne*, adds the sympathetic chronicler.

With Thurstan went the thirteen monks who had sought his protection. These remained in the archbishop's palace for two or three months until a fit habitation could be provided for them. At the Christmas festival which he celebrated that year at Ripon, Thurstan conferred upon them the village of Sutton with a site for a monastery in Skeldale near Ripon, among rocks and thorns, fitter rather to be the haunt of beasts of the field than of men. This having been solemnly confirmed and the prior Richard elected abbot, Thurstan blessed them, and the monks departed to their solitude. The next few months were a time of severe trial. Shelter they had none, says the chronicler, save the branches of an elm-tree, and before they could think of preparing a house for themselves an oratory must be built for the divine use. In the preparation of the latter the monks passed their first days, rising nightly to vigils beneath the shadow of the elm. Not until the winter was over had they leisure to review their position and discuss the mode of life they should adopt. All agreed that the saintly simplicity, purity, and severity of the Cistercian rule offered what they sought, and messengers were despatched to St. Bernard beseeching him that they might receive the adoption of sons. Thurstan also wrote for them, and four letters of Bernard written at this time are extant. Two are to Geoffrey, abbot of St. Mary's, who had appealed to St. Bernard against his rebel sons,[207] but met with scant sympathy. Bernard on the contrary somewhat pointedly warns him of the danger (which two out of the thirteen, Gervase and Radulphus, had incurred) of those who 'having put their hand to the plough look back.'[208] The third, beginning 'Splendor operis,'

Thurstan's support seems to have been an efficient shield for the monks at Fountains. He had taken the precaution (in a long letter which Hugh inserts in his chronicle) to lay his version of the affair before William of Corbeil, archbishop of Canterbury.

[208] Bern. *Opp.* i. 227 (Migne, clxxxii.).

is to Thurstan,[209] and is full of admiration and praise for his action in the affair. The fourth is to the monks of Fountains,[210] to whom Bernard writes encouragingly, and moreover sends to them a monk from Clairvaux, Geoffrey of Amaie,[211] to instruct them in the usages of the order they proposed to enter. It would not appear that they were formally admitted to the latter at this time,[212] nor even after the two years of severe suffering which ceased not nor had reached its climax when Geoffrey came. For the number of the monks grew larger without corresponding increase in the resources of the monastery, which were still limited to the gifts of Thurstan. The Burgundian found much to admire in the English monks, their frugality, swift obedience, and sobriety of manners, their hopefulness and patience in poverty, their firm faith and charity.[213]

At the end of the two years the climax of want and suffering was reached, when none gave and there was no money to buy, and the future of the house looked dark indeed. The monks despaired, and the abbot himself departed to Bernard to implore him to receive them, seeing that they were without hope of bearing fruit in their own land. St. Bernard had actually assigned to them a grange in the diocese of Langres,[214] when the arrival of Hugh, dean of York, marked the turning-point in the fortunes of the house. Hugh brought with him not only money but books, and thus early laid the foundation of the Fountains library. Soon afterwards Serlo and Tosti, two canons of York, joined them with all their wealth. Robert de Sarz also and his wife Ragenilda conferred upon them the town of Harleshows[215] with the forest of Warkesale or Warsall, Serlo de Pembroke gave Cayton, and soon afterwards the monks obtained Aldbrough or Aldburgh from Roger de Mowbray. From the charter[216] of the latter it would appear that Aldbrough had been held by the monks of Pontigny near Auxerre by the grant of Roger's father, Nigel d'Albini. Thus the long list of benefactions which were to make Fountains one of the wealthiest abbeys of the north, was begun, and the future of the house secure.[217]

[209] *Ib.* p. 228. [210] *Ib.* p. 229.

[211] Geoffrey of Amaie or Amayo, as it is elsewhere called, possibly Amayé in the district of Caen, retired with Bernard to Clairvaux, and was employed by him in the foundation of many houses, *Mem. of Fountains*, i. 47. He always refused to become abbot, preferring to return to Clairvaux, where he died in 1150. *Essai sur l'Hist. de Cîteaux*, ii. 385.

[212] It was the Cistercian custom either to refuse abbeys inadequately provided with the means of support, or, having received such, to reduce them to the position of granges. Fountains does not appear to have been incorporated until 1135, and this may account for the error of Henriquez who places the foundation of a second house of the name in that year. [213] *Memorials of Fountains*, i. 47.

[214] Longué, afterwards a Cistercian abbey, *Memorials*, i. 52.

[215] Called Erlesholt in the Domesday Survey, *ib.* i. 54.

[216] *Monast.* v. 306, Append. LII.

[217] It was about this time that Serlo, upon the accuracy of whose memory depends

This course of prosperity was not unbroken, and received a severe check under Henry Murdac, the third abbot,[218] to whom the supporters of William Fitz-Herbert attributed, and with reason, the deposition of the latter from the archbishopric of York to which he had been elected in 1140. The house was attacked and the monastery, including half the oratory, burnt by the followers of William. The abbot, against whom their vengeance was directed, escaped, and it was he, says the chronicler, who first brought Fountains to the full perfection of Cistercian discipline, and finally rubbed off the rust of their former life.[219] Henry in 1147 became archbishop of York,[220] and was succeeded at Fountains by Maurice, Thorold, and Richard Fastolph, in quick succession, for the imperious ex-abbot still ruled the house. Among the names of the benefactors, besides those already given, may be mentioned Alan, duke of Brittany, and earl of Richmond, and Roger de Lacy, constable of Chester.

The year 1132 as that of the foundation of the abbey is given by Hugh of Kirkstall,[221] and accepted by all the best writers, including Dugdale, Tanner, Manriquez, and Janauschek. During the thirteen years following upon 1136 Fountains sent forth eight daughter-houses, seven of which were in England, and constituted, together with the abbeys which they in their turn sent forth, the largest and by far the most powerful of the English generations. It included Newminster, with its three daughter-houses, Pipewell,

that of Hugh's account of the foundation, entered the house, 'circa idem tempus, ego, Serlo, valefaciens saeculo, Fontes me contuli.' *Mem. of Fountains*, i. 57.

[218] Henry Murdac had been sent by Bernard from Vauclair about 1143, *Mem. of Fountains*, i. 131, on the death of the second abbot Richard, and obediently elected by the convent. The exact date of Henry's election is unknown. That here given is taken from a chronicle of the abbots in the *President Book of Fountains*, published by Mr. Walbran. Migne gives 1138, *v. Bern.* i., Bern. *Opp.* 525–6 (*Pat. Lat.* clxxxii.), but this is too early.

[219] 'Homo magnanimus,' says Hugh (*Mem. of Fountains*, i. 85) of Henry Murdac, 'et in causa iustitiae omnino invincibilis, eligens [magis] pro iustitia periclitari quam iniustitia, eo praesidente, periclitetur. Curam igitur suscepti regiminis [*scil.* Font.] magnifice administravit, evellens et destruens quicquid in agro dominico inventum est alienae plantationis.'

[220] T. Stubbs, *Actus Pontif. Ebor.* in Raine, *Historians of the Church of York*, ii. 391, says that Innocent II, Calixtus II, and Lucius II found no reason for deferring William's consecration, but the Cistercian Eugenius III 'pro libito suae voluntatis cassavit.' Even in 1147 Henry was not duly elected (Le Neve, *Fasti Eccl. Angl.* iii. 99, ed. Hardy) as Hilary, afterwards bishop of Chichester, had a majority, but the pope, in the plenitude of his power, promoted Henry, and consecrated him 7 Dec. 1147. Mr. Morison, in his *Life and Times of St. Bernard*, p. 351, has a note on the disputed election to the archbishopric of York in 1140 in which he says that, rightly or wrongly, William's election was regarded as simoniacal by many of the clergy, and that Innocent II pronounced against it, though under the protection of his uncles King Stephen and Henry of Blois, bishop of Winchester, William was installed.

[221] *Mem. of Fountains*, i. 10. The monks left St. Mary's on 6 Oct. 1132, and the abbey was founded at the Christmas festival, according to Ailred (*de Bello Stand.* ap. Twysden, p. 338) on 27 Dec.

Roche, and Sawley, Kirkstead, Louth Park, Woburn, Lysa in Norway, Kirkstall, Vaudey, and Meaux. A short account of the foundation of each of these houses is given in Hugh's narrative, and to this Mr. Walbran has added copious notes and extracts from the numerous and valuable sources of information open to him. It would therefore be superfluous to do more here than point out as briefly as possible the part they play in the Cistercian settlement.

The convent of NEWMINSTER, near Morpeth in Northumberland, was sent forth in the fifth year of Fountains (1137) at the request of Ralph de Merlay and Juliana his wife. The former, on a visit to Fountains in that year, had seen the saintly life of the brethren, and, inspired of God for the salvation of his soul, assigned a site and offered it to the abbot Richard for the building of a monastery. The gift was accepted, and a monk named Robert (afterwards St. Robert [222]) chosen to lead out the convent, which was settled at Newminster in the same year, about January 113⅞.

Shortly after and on the same day, that is to say, on 2 Feb. $11\frac{39}{40}$, two convents set out from Fountains for Lincolnshire. One went to KIRKSTEAD under Robert de Siwella, the other to Haverholme under Gervase; both Gervase and Robert being, of course, of the tried band of monks who came forth from St. Mary's. Kirkstead [223] on the left bank of the Witham, about seven miles from Horncastle, was the gift of Hugh Brito, son of Eudo, lord of Tattershall. This nobleman having vowed to build an abbey of the Cistercian order, bade them call to him the abbot of Fountains. By the advice of the latter he divided with the Lord his inheritance, and consecrated to the divine use a plain hemmed in by brambles and marshes, prophetically (perhaps because it was worth nothing else) named Kirkstead.[224] Conan, duke of Brittany and earl of Richmond, son of Alan, founder of St. Mary's, York,[225] was a benefactor to this house.[226] With the site of Haverholme, near Sleaford, given to Fountains in 1137 by Alexander, bishop of Lincoln, the convent sent out with that of Kirkstead (2 Feb. $11\frac{39}{40}$) was dissatisfied. Whether it was unhealthy or in the judgment of the monks unlikely to prove profitable, even with the utmost skill and industry, is we do not know. It is to be remembered that the great agricultural labours of the Cistercians during six centuries, which rendered possible their pastoral success, were begun at this

[222] St. Robert had, with the permission of his abbot, gone forth from Whitby, where he was consecrated, and joined the monks from St. Mary's. *Fascic.* i. 218.

[223] For date 1139 vide *Mem. of Fountains*, i. 68; *Journ. Arch. Assoc.* xxvi. 285; *Ann. Monast.* ii. 228; and *Orig. Cist.* i. 55. Mr. Birch's other list in *Journ. Arch. Assoc.* xxvi. 359, has 1138, and this Manriquez accepts.

[224] *Mem. of Fountains*, i. 61. [225] Leland, *Collectanea*, i. 22.

[226] *Monast.* v. 421, Append. XVII. See also Append. XX for the curious and interesting charter of Richard de Builli. Hovedö Kloster in Norway is said to have been a daughter-house of Kirkstead.

time. For the reclamation of the wild, undrained land with which the founder endowed them, and which was for long a source of additional expenditure rather than of income,[227] they adopted methods of acknowledged excellence. But the success of their effort depended, of course, upon the doubtful possibilities of the hitherto unproductive and hopeless-looking land with which frequently, if not as a rule, they were endowed. But this they soon became able to gauge with such accuracy that a mistake was rarely made, or, if made, speedily rectified by removal. Whether the site of Haverholme was found 'impossible' is unknown; the chronicler simply says it 'displeased the brethren' sent thither, and so Alexander gave them Louth Park instead. Alexander the Magnificent,[228] nephew of Roger of Salisbury, the minister of Henry I, himself one of the greatest of the secular bishops, and an active builder of castles as well as monasteries, was one of the most powerful supporters of the early Cistercian movement in England. Gervase, the first abbot of Parcolude, or Louth Park, was the intimate friend of Ailred of Rivaulx, and the author of a letter to the latter by which he was induced to write his treatise known as the 'Speculum Charitatis.'[229] Henriquez states that Gervase was the author also of a volume of letters to Ailred and others,[230] and some historical pieces are attributed to him.[231]

The next daughter-house of Fountains, Woburn,[232] fifteen miles from Bedford, was founded by Hugh of Bolebec in the year 1145.[233] The original endowment consisted of the little town of Woburn in the diocese of Lincoln with some fields lying near.[234] In the same year in which this house was founded, the bishop of Bergen in Norway was in England, and came to Fountains. So impressed was he, says the chronicler, by a form of religious life of which he had hitherto known nothing, that he besought the abbot

[227] The first outlay would be in cattle and granges. The latter were a very important feature in the Cistercian system. Their heads or *magistri* were usually lay brethren, and by the latter they were worked. For the regulations of the daily life of the *conversi* on the granges vide *Monuments de la Règle Cistercienne*, p. 276 *et seq.* Eugenius in his bull of 1152 (vide *Bullar.* ii. 325) speaks of the granges as *atria ecclesiarum*, and in the thirteenth century they grew into villages, with parochial churches under Cistercian charge. The distance between them, as between the abbey, was fixed by statute (vide *Monuments*, 258, xxxii.): 'Grangiae autem diversarum abbatiarum distent inter se ad minus duabus leugis.'

[228] Giraldi Cambrensis *Opera*, vii. 33, and also *ib.* 197, Append. E.

[229] *Biblioth. Pat. Cist.* v. 294. This letter is prefixed to the treatise, as Gervase himself says to Ailred, *ut pudori tuo parcatur.*

[230] *Fascic.* ii. 252. [231] Tanner, *Bibliotheca*, p. 314.

[232] Janauschek, *Orig. Cist.* i. 83, has a note concerning the site of this house. 'Woburnam . . . a Premonstratensibus olim incultam fuisse testes primarii plane ignorant.'

[233] *Mem. of Fountains*, i. 88, and *Ann. Monast.* ii. 231, have this year, which is accepted also by Tanner, Manriquez, and Janauschek.

[234] *Monast.* v. 479, Append. I.

to send out a convent to his diocese. The abbot agreed, and next year, that is to say, in 1146, the bishop took back with him twelve monks under the abbot Ranulph, *homo verendus et plenus dilectione*. These built the house of Lysa, a little to the south of Bergen, the only daughter-house of Fountains sent beyond the seas at this period. Lysa became famous in Norway, its abbots being chosen to fill some of the chief bishoprics, and was held by Fountains until 1213, when by order of the general chapter it was released.[235]

Kirkstall, near Leeds, the chief gift of the Lacys to Cistercianism at this period, was originally founded in 1147[236] at Barnoldswick, a few miles from Skipton. The history of Kirkstall is said to have attracted more attention than that of any other Yorkshire abbey except Fountains. A chronicle of the foundation is extant in which some account is given of the early difficulties of the house.[237] From this we may borrow the main outlines of the story, which is a fairly typical one with a few characteristic features of its own.

In those days there was in Yorkshire a man of large possessions, great and renowned among the nobles of the land, by name Henry de Lacy. And it came to pass that he was sick many days. Touched and penitent under the hand of God, he made a vow that he would build a house of the Cistercian order, and when he recovered did not forget the vow. Calling to him the abbot of Fountains he offered the village of Barnoldswick for the building of an abbey. The abbot consented, and the agreement was ratified by charter. Of this place Hugh Bigod, earl of Norfolk, was lord, and from it claimed an annual rent of five marks. For many years the rent had been left unpaid, and the abbot of Fountains accepted the gift without knowing of the claim. This was of course revived at a later period to the consternation of the monks, but was finally remitted during the reign of Henry II.[238] The regular offices of the new abbey having been first, according to custom, made ready, Alexander, prior of Fountains, was consecrated abbot, and on the same day, 19 Dec. 1147, went forth with his twelve monks and ten lay brethren. They found the church at Barnoldswick very old, and to it, moreover, were attached four parochial 'vills,' namely, the two Martons, Bracewell, and Stoke, besides Barnoldswick, and two little places from which the inhabitants had been

[235] Mart. et Dur. *Thesaur. Novus*, p. 1313. Stat. Select. Ord. Cist. an. 1213: 'Quoniam abbas de Fontanis in Anglia abbatiam de Lysa in Norwegia secundum formam ordinis nostri competenter non potest visitare, eadem domus de Lysa domui de Alvestro committitur in filiam. Abbas de Asilo abbati de Alvestro hoc denuntiet.' *Vide* also *Orig. Cist.* i. 88, and *Mem. of Fountains*, i. 89.

[236] *Mem. of Fountains*, i. 90; *Journ. Arch. Assoc.* xxvi. 287 and 360. This date is accepted by Dugdale, Tanner, Henriquez, and Janauschek.

[237] *Monast.* v. 530, Append. II.

[238] *Ib.* p. 531, also 535, Append. XIII.

removed to make way for the monks. The parishioners naturally came to church on festivals as usual, with their priest and clergy, and disturbed the repose of the monks dwelling there. The abbot, Alexander, seeing this and zealous on behalf of the peace and quiet of his house, *sed minus consulte*, says the chronicler, pulled down the church to its foundations, clergy and parishioners in vain protesting. The latter appealed to the metropolitan against 'such unwonted presumption.' But unfortunately the archbishop was Henry Murdac, former abbot of Fountains, and the action of the monks was confirmed. A further appeal to the apostolic see itself, that is to say, to the Cistercian Eugenius III, was likewise vain. Against such solidarity of interest the injured parishioners might spend their strength in vain. It would appear, however, from a deed executed by Archbishop Murdac, to which Mr. Walbran calls attention,[239] that the abbot did what he could to make reparation for his act by sending up a special request that the two chapels of Bracewell and Marton might be erected into mother-churches.

The brethren at Barnoldswick did not prosper. Wandering bands of robbers in the unsettled state of the country infested the woods, while frequent rain killed off their products. For some years they bore it, living in continual poverty and want, until the abbot, seeing how undesirable was their present site, began to think of removing the monastery. It chanced that one day while making a journey on the business of his house, he passed through a wooded valley called Airedale. There he found a little band of brethren in religious garb leading the life of hermits. Charmed with the beauty of the place he turned aside to them and inquired concerning their mode of life, the form of their religion, whence they came, and from whom they had received the place in which they dwelt. One named Seleth, their head, replied that he came from the south, obedient to the call of a voice from heaven which bade him arise and go into the province of York and there seek diligently in the valley which is called Airedale for a certain place named Kirkstall. This he did, leaving home and servants, and came thither, led to the place by shepherds. Alone he lived many days until the brethren then with him joined him in the common life of the brothers of Leruth. As he listened the abbot turned over in his mind the many advantages of the place, the beauty of the valley, its flowing waters, and woods close at hand. And it seemed to him a place pleasant and fit to build an abbey upon. So he began gently to warn the brethren concerning the welfare of their souls, setting forth before them the peril of self-will, the small number of their band—disciples without a master—and exhorted them to a greater perfection and a higher form of religious life. And bidding them farewell he departed to the founder

[239] *Memorials of Fountains*, i. 91.

of his house, Henry de Lacy. Received with respect, he there unfolded his business, dilating upon the poverty of the brethren of Barnoldswick, the inconvenience of the present site, and all their various difficulties and complaints. He added, moreover, that he had discovered a suitable place to which they might remove and one that could easily be obtained. And so the abbot and founder discussed the matter, and how the change could most readily and quickly be brought about. Then the former went back to the hermits, some of whom he induced to join his order, while others by gifts of money were persuaded to renounce their right to their habitation. Meanwhile Henry de Lacy sought out William of Poitou, to whom Airedale belonged, and obtained his consent. On 19 May 1152, according to the chronicles, more probably a year or two later,[240] the necessary buildings and above all the church, of which Henry de Lacy bore the cost and with his own hands laid the foundation stone, being ready, the convent was removed to Kirkstall. The foresight of the abbot was justified. Henceforth the abbey grew and prospered and widely extended its boundaries.

Dugdale prints numerous charters of the Lacys to Kirkstall, and, moreover, the chief benefactions of this house to English monasticism at large in a short history of the family.[241] From this may be mentioned a few of their more important donations to the Cistercian order during the earlier period. Robert, son of Henry, confirmed his father's gifts to Kirkstall, and was one of the benefactors of Fountains. He had no child, and his inheritance passed to the heirs of Richard Fitz Eustace, constable of Chester, and lord of Halton, through his aunt Albreda, daughter and heiress of Robert de Lisours also. Robert de Lacy is said to have given to Kirkstall the grange of Stanye with the town of Aston and some rents in Chester. The manors of Aston and Stanye afterwards (1178) formed part of the endowment of the abbey of Stanlaw in Cheshire,[242] founded in 1168[243] by John de Lacy, constable of Chester, the elder son of Albreda, who had taken his cousin's name as heir to his estates. Roger,[244] son of John de Lacy and Matilda de Clare, gave Bradley to Fountains and was the father of John de Lacy, constable of Chester and first earl of Lincoln of this house. In 1296 Stanlaw was removed to Whalley in north Lancashire by another Henry de Lacy, third earl of Lincoln, who, true to the tradition of his house, laid the foundation stone with his own hands.

[240] The date does not allow for the six years and more which the chronicler gives above as the time of the sojourn in Barnoldswick. Nor would Roger be archbishop of York at this time, as he affirms, for Henry Murdac did not die until 14 Oct. 1153.

[241] *Monast.* v. 533, Append. VI.

[242] *Ib.* p. 641, Append. I.

[243] The editors of the *Monast.*, *ib.* p. 639, give 1172.

[244] *Ib.* p. 307, LX.

These, it is to be remembered, were merely the chief donations of the Lacys to the order. Their name constantly reappears in charters of donation or of confirmation merely to Cistercian houses.

The foundation of VAUDEY, or de Valle Dei, in the parish of Edenham in Lincolnshire in the year 1147 [245] does not present any features of special interest. The original site of Bitham or Biham was the gift of one of the most powerful of the Cistercian patrons, William, count of Aumale, but the convent was transferred to Vaudey by Geoffrey of Brachcourt. The charter of the latter [246] is curious and interesting, though not altogether unique. He gives all his possessions in Brachcourt on condition that the monastery should provide food for himself and his wife as for two monks of the house, and for two of his servants as for two servants of the abbey. The convent was also to supply himself and his wife with clothing of specified material. For himself the material was to be 'griseng' or 'halberget' and lambskins, for his wife the most costly to be 'bluet,' and she too might have lambskins. This year 1147 was also marked by the foundation in England of two isolated houses direct from France. One was BOXLEY, near Maidstone, in Kent, sent forth from Clairvaux, and so a sister-house of Rivaulx and Fountains. The other, DORE, on the little river of that name in Herefordshire, was the only colony sent to this country by the abbey of Morimond, the fifth of the great parent-houses of the order.

MEAUX, a few miles north of Hull, was the last of the famous generation of Fountains proceeding directly from the parent-house. It was founded 1 Jan. 115$\frac{0}{1}$ [247] by William, called le Gros, count of Aumale and lord of Holderness, on the suggestion of Adam, a monk of great influence in Fountains, who had been employed in the building of Kirkstead, Woburn, and Vaudey. At Vaudey by his carefulness he had attracted the notice of Count William. To the latter he suggested the building of a Cistercian house in redemption of a vow to go upon a crusade about which he was anxious.[248] William agreed on condition that Adam should get absolution for him from the pope. When this had been, with St. Bernard's help, obtained, Adam set out upon a little tour round the count's property, to find a suitable site for the proposed monastery. At last he came to a fertile spot called Meaux, covered with groves and

[245] *Mem. of Fountains*, i. 93; and *Orig. Cist.* i. 94. Janauschek says there is much confusion concerning this house, as there were others of the name in Austria, Brabant, Ireland, and Spain. Le Nain, *Essai*, ix. 222, gives two of the name in Lincolnshire, calling one Bitham or Vallis Dei.

[246] *Monast.* v. 490, Append. II.

[247] *Chron. de Melsa*, i. 73, ed. Bond, has Kal. Jan. 1150. According to Hugh of Kirkstall, *Mem. of Fountains*, i. 95–6, the convent went forth from Fountains, 28 Dec. 1150, and the house was founded on the kalends of January, which would according to our reckoning be 1151. Cf. *Orig. Cist.* i. 124–5.

[248] *Chron. de Melsa*, i. 76.

girt round with waters and marshes. In the centre was a little rising called St. Mary's hill. At the top of this hill Adam planted his staff firmly in the soil and declared it to be the divine will that a temple should be built there. When William heard of the choice he was greatly displeased, for it chanced to be a spot which, for its peculiar beauty, he had intended to enclose for a park, and had indeed procured for this purpose at considerable cost from John of Meaux. But his efforts to induce Adam to alter his choice, and his remonstrances were alike in vain. The latter declined to give way, and the count at last formally yielded the coveted site 'to God and the Blessed Virgin for the making of a monastery' of the Cistercian order. There he built a great house 'ex vili cemate,' with a chapel attached, for the reception of the monks until permanent accommodation could be provided. In this place the latter set to work to earn their daily bread by the labour of their hands.[249] Their number rapidly increased, though their difficulties were by no means at an end,[250] and William gave more land, Routh, Waghen, or Wawne, the pasture of Saltagh, Newland,[251] thirteen acres of land and pasture for thirteen cows in Hoton in Whitby-strand.[252] Henry Murdac was a benefactor to this house, but his successor in the archbishopric, Roger, resumed his grants and demanded back the charters pertaining thereto. The abbey, however, possessed a duplicate set, and a portion of these the monks handed over, keeping certain of the originals till better times dawned.[253] William of Aumale was the founder not only of Vaudey and Meaux, but of St. Martin 'de Auxiato' near Aumale, of the order of Clugny, and St. Mary of Thornton on Humber of the Austin Canons Regular. When caught in storms at sea he would think at midnight that his monks of St. Martin and canons of Thornton were rising to nightly vigils, and trusting in their prayers despised the storm and slept quietly. Towards morning he knew that his monks of Vaudey and Meaux[254] were hastening to vigils, and once more scorned the tempest and tranquilly slept or lay awake watching for dawn.[255] The house of Aumale was connected by marriage with others well known in Cistercian annals, such as the Romaras,

[249] *Ib.* p. 83. 'Deinde coeperunt dicti abbas [abbates] et monachi ex operibus manuum suarum victum quaerere quotidianum in sudore vultus sui pane suo vescentes et in sanguine suo vineam Domini Sabaoth complantantes.'

[250] Shortly after the close of this period the monks were dispersed owing to pecuniary difficulties, though not for long.

[251] *Chron. de Melsa*, i. 85. [252] *Ib.* p. 84.

[253] *Ib.* p. 94. The monks did not hesitate at a later time (*ib.* p. 95) to sue for the return of the lands, even though they had received and appropriated money compensation therefor.

[254] For the distribution of the Cistercian day vide *Monuments Primitifs*, 187, lxxxiii. (*Consuetudines*).

[255] *Chron. de Melsa*, i. 91. *Vide* also *ib.* 89–90 for an account of the manner in which Aumale, Holderness, and Craven came into William's family.

and the Bruys, and at the end of the thirteenth century there must have been an enormous accumulation of Cistercian patronage in this family when William de Fortibus, count of Aumale, married Isabella de Courtnay, heiress of the earldom of Devon and the 'lordship of the Island,' that is, of the Isle of Wight.

The abbeys derived from Newminster, the first daughter-house of Fountains, complete the filiation of the latter house at the close of this period. These were Pipewell, Roche, and Sawley. PIPEWELL, near Kettering in Northamptonshire, was founded in 1143.[256] It was originally called St. Mary de Divisis, and took its second name from a little township where the west grange was situated. With great tribulation and costly labour did these first monks and lay brethren plant the beautiful groves which in after years became so famous, and which they loved 'sicut mater unicum amat suum filium.'[257] After the death of the founder, William Batevileyn, the land upon which the west part of the abbey stood, that, namely, within the fee of Wahul, was, at the instigation of the enemy of man's salvation, claimed by William Fleming. The monks, with the utmost expedition, repaired to Robert, son of the founder, and with tearful complaints besought his mediation. It was granted, and the claim of William Fleming satisfied elsewhere.[258] Ranulph, earl of Chester, gave part of the land on which their abbey stood, together with the wood of Michlehae.[259] ROCHE, in the deanery of Doncaster, was the joint foundation of Richard de Builli and Richard Fitz-Turgis or de Wickersley,[260] who, as their charters affirm, agreed to allow the monks themselves to choose the site, in 1147.[261] The original endowment[262] consisted principally of lands in Eilrichtorp, together with pasture for a certain number of sheep, and fifty 'carrectae' every year from the wood of Wickersley. SALLAY, or SAWLEY, in Craven in Yorkshire, four miles east of Clitheroe, was founded in 1147[263] or 1148 by William de Percy the third, and by him endowed with Sawley, Dudeland, and Helwinesthorp. To this he added, by a second charter,[264] Crochum and Stainton. It would appear that the climate from which the sagacity of its abbot rescued Kirkstall, as we have seen, caused poverty and want to this house. The monks were only rescued when in extremity four years later by additional grants

[256] *Monast.* v. 434, Append. I. and *Orig. Cist.* i. 77.

[257] *Monast.* v. 435, Append. I. The destruction of these woods was the great lament of the chronicler a hundred and eighty years after.

[258] *Ib.* p. 436, Append. I. [259] *Ib.* p. 431.

[260] *Ib.* p. 502, Append. I and II.

[261] *Ib.* and cf. *Journ. Arch. Assoc.* xxvi. 287 and 360. Manriquez and Janauschek have this date.

[262] *Monast.* v. 502, Append. I and II.

[263] *Ib.* p. 512. Append. I; *Journ. Arch. Assoc.* xxvi. 287 and 360. Manriquez also gives 1147, while Janauschek has 1148.

[264] *Monast.* v. 512, Append. II and III.

of a kind of property less directly affected by the weather, namely, tithes.[265] The Lacys are again among the benefactors of this house.

The great work of Fountains in the settlement of the Cistercian order in England placed the success of the movement beyond doubt. It still remains for us, however, to follow its progress in one or two directions hitherto unnoticed. A few small houses of nuns, founded during these years, may be incidentally mentioned here. These were—in Yorkshire, Keldholme in the parish of Kirkby Moorside, endowed by Robert de Stuteville, Nun Appleton, near Tadcaster, by Adelicia de St. Quentin, and Swine,[266] near Hull; in Lincolnshire, Cotun or Cotham, near Grimsby, Keddington afterwards removed to Legbourne, near Louth, Greenfield, near Alford, and Stixwould,[267] a few miles from Horncastle, the last endowed by the widow of Ivo of Taillebois, Roger de Romara, and Ranulph of Chester. But these were not fully incorporated into the order nor endowed with its privileges until the following century.

The settlement of the order in Wales belongs to a period somewhat later than that before us. Here, as in the north of England, Cistercianism found a congenial home. The movement originated directly from Burgundy, the main impulse proceeding, as has been said, from Clairvaux. But at this time it had only begun. The famous abbey of TINTERN on the Wye, in what is now Monmouthshire, was a sister-house of Waverley colonised from L'Aumône. It was founded as early as 1131 by Walter, second baron of Clare, who had succeeded to the licence granted to his grandfather, William Fitzosbert, count of Ew, to conquer from the Welsh.[268] But the work of Tintern at this period can hardly be said to belong to Welsh Cistercianism, and of the two daughter-houses which it sent forth, one was to Ireland, TINTERN MINOR, and the other to what is now Gloucestershire,[269] KINGSWOOD, near Wootton-under-Edge. The latter was founded by William de Berkeley in 1139[270] in fulfilment, as an extant letter of the founder to Innocent II[271] declares, of a design of his uncle Roger de Berkeley. The story of the early vicissitudes of Kingswood, given in the abbey register,[272] affords a valuable illustration of the difficulties into which religious houses were sometimes thrown by the conflicting claims of their founders, occasionally, as here, represented by descendants, and the abbots of the parent-houses from which they sprang. MARGAM also was founded in later Glamorganshire, near Neath, towards the

[265] *Ib.* Append. V.

[266] For some account of this house see *Yorkshire Arch. and Topog. Journ.* vi. 113.

[267] Stixwould would appear to have been under the direction of a master, contrary to the usual custom.

[268] *Monast.* v. 270, Append. IV.

[269] Then, and until 1844, Wiltshire.

[270] *Ann. Monast.* ii. 228.

[271] *Monast.* v. 427, Append. IX.

[272] *Ib.* p. 425, Append. I.

close of this period, that is to say, in 1147.[273] But the true mother of the Welsh abbeys was WHITLAND, founded from Clairvaux, in what is now Caermarthenshire, in 1140,[274] and her work, which is in great part that of the Cistercian settlement in Wales, had only just begun in the foundation of CWMHIR in the later Radnorshire in 1143.[275]

IV

Towards the close of the period of settlement in this country the Cistercian order at large, and in England especially, received a great accession of strength in the incorporation with, or rather in the absorption of, another order side by side with which it had worked almost from the beginning. This was the order of Savigny, founded in 1112, in the diocese of Avranches by Vital de Mortain, one of the disciples of Robert d'Arbrissel, founder of the order of Fontevraud.[276] Its rule, like that of the Cistercian, was an adaptation of the Benedictine. St. Vital died in 1122, and it was under Serlo, the fourth abbot, that the surrender to Cîteaux took place. The reason which induced Serlo to take this step was apparently the insubordination of his abbots.[277] It would appear that surrender to a more powerful organisation was the only means of preserving the order, and the necessity affords a striking comment on the difference in the organising hands at work within the two systems. This transaction was the chief business of the great chapter of Cîteaux at which Eugenius III was present, by his own wish, *quasi unus ex eis*. It is a common error among Cistercian writers, and one which has been repeated of late years, to give as the date of the surrender of Savigny the year 1148. It evidently

[273] *Ann. Monast.* i. 14. Manriquez and Janauschek accept this date.

[274] *Monast.* v. 591, has 1143; but cf. *Orig. Cist.* i. 62. Manriquez also has 1140.

[275] In the *Mappa Mundi* (Gervas. Cant. ii. 443), 'for long the basis of calculation of monastic history' in England, St. Dagmael's in later Pembrokeshire, founded as early as 1126 (*Notitia Monastica*, pref. x), appears as a house of 'white monks.' This error may be mentioned here because of the confusion which appears in a fifteenth-century Cistercian register of Furness (*Monast.* v. 246, Append. I) between the wholly distinct orders of Tiron and Savigny. The former, to which St. Dagmael's belonged, was founded by Bernard, a disciple of Robert d'Arbrissel, founder of the order of Fontevraud, in the diocese of Chartres in 1113 (*Hist. des Ord. Monast.* vi. 114). For the latter, which afterwards became Cistercian, see below. Here also may be incidentally mentioned the adoption of the Cistercian rule for women by Gilbert of Sempringham, founder of the Gilbertine order, a man, says Henriquez, *in custodia mulierum gratiae singularis*, for the women under his charge. The Gilbertine order arose in England during the years of the Cistercian settlement here, about 1148, under the inspiration drawn from Clairvaux.

[276] *Hist. des Ord. Monast.* vi. 109; *Orig. Cist.* i. 95. Vital had been living in the forest of Savigny since *c.* 1105.

[277] Le Nain in *Essai sur l'Hist. de Cîteaux*, v. 393, quoting an older writer, says: 'Serlo igitur cum esset iustus et paulatim coepisset intelligere, quod quidam coabbatum suorum de subiectione Savigniacensi sua colla molirentur excutere, tardius et tepidius quam solebant ad capitulum venirent, suum monasterium cum ceteris omnibus ad illud pertinentibus Ordini Cisterciensi contradidit.'

arises from a confusion between the general chapter of Citeaux held in September 1147, at which Eugenius was present, and the council of Rheims which the latter held while on the same visit to France (21 March, 1148).[278] Janauschek,[279] points out that the pontiff, whose progress may be traced by the issue of bulls,[280] was in France from March 1147 to a little before 16 June 1148, when he had reached Vercelli on his homeward journey. As the Cistercian chapter was at this period always held in September, at no other than that of 1147 could Eugenius have been present. The bull 'Pax Ecclesiae,' confirming the surrender of Savigny, was issued 19 Sept. 1147,[281] and itself confirmed 21 Oct. 1149.[282] A second bull, which no doubt assisted in confusing the authorities as to the date of the entry of Savigny, confirmed the allegiance of the English abbeys, which had refused to submit to the imposition of the new yoke. The latter is dated 10 April 1148 at Rheims,[283] and from it may be taken the list of English houses which joined the Cistercian order at this time. They were 'abbatia de Furum, ... de Bufert, ... de Biluwas, ... de Not, ... de Carreia, ... de Strafort, ... de Cogherhala, ... de Basingwer, ... de Cumbremare, ... de Behelande, ... de Suineshenad, ... de Caldrei, ... Insulae de Man.' The thirteen English abbeys appear to have formed a large proportion of the houses of the order, the number of which most generally given is thirty.[284] Janauschek, however, thinks there were only twenty-eight.[285] They were affiliated to Clairvaux, Savigny herself being allowed to take precedence in the Cistercian order after Citeaux and the other four parent-houses. The rest of the abbeys took their place as though founded within that order.[286] The authority of the abbot of Savigny over all the houses of his filiation was spared by special decree, as only immediate dependence conferred jurisdiction in the Cistercian order.[287] This is probably quite sufficient to account for the apparent distinction, which, it has

[278] The register of Byland (*Monast.* v. 570, Append. VI) has the correct year, for it affected the fortunes of this house, but says the surrender was made in the council of Rheims. *Hist. des Ord. Monast.* vi. 112; *Ann. Cist.* ii. 104; *Biblioth. Pat. Cist.* vi. 107; *Essai sur l'Hist. de Citeaux*, v. 391; and many more, including *Privilèges de l'Ordre Cist.* pref., have 1148.

[279] *Orig. Cist.* i. 95. [280] *Regesta Pontificum*, ii. 39–58.

[281] This is not in the *Bullar.*, but vide *Regesta*, ii. 48; and, for instrument in full, Migne, *Patrol. Lat.* t. clxxx, p. 1282. 'Serlo Savigniacensis et . . . abbates ad Cist. capitulum venientes, tam se quam universitatem vestram per charissimum filium nostrum Bernardum . . . in unitatem Cist. congregationis et ordinis suscipi, nobis praesentibus, humiliter postularunt . . . apostolica auctoritate statuimus ut haec amabilis et iucunda societas futuris temporibus inviolabiliter observetur.'

[282] *Regesta*, ii. 64. [283] *Bullar.* ii. 307.

[284] Manriquez, Henriquez, Tissier, and Le Nain, among others, have this number. Helyot has thirty-three without counting the houses of women.

[285] *Orig. Cist.* i. 96. [286] *Ib.*

[287] 'Nullus pater abbas auctoritate propria iurisdictionem habeat vel exerceat nisi in propriis, id est, immediatis filiabus.'

been said, was maintained between the English Cistercian houses generally, and those of the line of Savigny, marked for instance by a charter of John (1208)[288] to the monks of Neath, whom he calls monks of Savigny.[289]

The history of the houses of Savigny in England before the year 1147 does not, then, belong to that of the Cistercian order except in so far as it bears upon their position at the time of the surrender. Furness in Lancashire, near Dalton, south-west of Ulverston, was unquestionably the chief of these. It was founded at Tulket in Amounderness as early as 1124, and removed to Furness in 1127 by Stephen, count of Mortain and Boulogne. On this account it was able to maintain the long dispute with Waverley as to the precedence in England. This house took the lead in the opposition to the entry into the Cistercian order which drew forth the bull of 10 April 1148. It is even said that Peter of York, the fourth abbot, went to Rome and obtained the permission of Eugenius that Furness might remain free, notwithstanding the surrender of the mother-house. He was captured, however, on his return journey and taken to Savigny, where he became a Cistercian monk.[290] Furness would appear to have brought considerable wealth into the order. This is proved by a bull of Eugenius III confirming the possessions of the abbey which are there recited.[291] It was, moreover, a house of some ecclesiastical importance. It undoubtedly possessed at this time, though it is uncertain whether it freely exercised, the right of choosing the bishop of the Isles. This right was conferred by a charter of Olaf I, king of Man, in 1134,[292] and explicitly confirmed by his son Godred in 1154,[293] by Pope Urban II in 1186,[294] by Reginald, son of Godred, in 1188,[295] and by a bull of Calixtus III, dated 23 May 1194.[296] Possibly the close connexion between Furness and the bishopric of the Isles at this period may have had its origin in

[288] *Monast.* v. 259, Append. III.

[289] See also *ib.* p. 226, for a letter of the abbot of Savigny (1264) to Furness and Byland 'ac universis generationis Savigniacensis coabbatibus per Angliam et Walliam constitutis.'

[290] *Ib.* p. 246, Append. I. [291] *Ib.* p. 249, Append. XII.

[292] Oliver, *Monumenta de Insula Manniae*, ii. 1 . . . 'commisi et in perpetuum concessi ecclesie Sancti Marie de Furnesio propter loci confinium immo pro bona vita inhabitantium ipsius Episcopalis eleccionis dignitatem set et totius iuris mei Christianitatis observant salva semper sedis apostolice reverentia.' In Olaf's letter to the archbishop of York written about the same time (vide *ib.* p. 4) he says, in allusion to this arrangement just made with Eudo, abbot of Furness, 'nostro decreto et plebis consultu sancitum est inter nos, ut ex suis pontifex eligeretur qui Christianitati per insulas gentium propagandae praeficeretur.' There is no suggestion here of any thought of choosing for so unimportant a sphere as the bishopric of the Isles at that time, the dignified abbot of Furness himself, but one of his monks merely. Beck (*Annales Furnesienses*, p. 170) conjectures that the opposition of Furness to the election of the abbot Nicholas at the opening of the thirteenth century was based upon this sense of the fitness of things.

[293] *Monumenta*, ii. 13. [294] *Ib.* p. 15. [295] *Ib.* p. 17. [296] *Ib.* p. 21.

the tie, the exact nature of which is unknown, which would appear to have existed between the mother-house of Savigny and that see.[297] The connexion was confirmed, as Olaf's charter above mentioned goes on to say,[298] by a gift of land in the south-east part of the island, not far from the site of Castletown, to Furness. Upon the land thus conferred was built the abbey of RUSHEN or Ballasalla (1138),[299] the 'abbatia insulae de Man' of the bull of Eugenius. The other two English [300] daughter-houses which Furness brought with her to the Cistercian order in 1147 were SWINESHEAD, a few miles from Boston in Lincolnshire, and CALDER on the banks of the river of that name in Cumberland. The former was founded by Robert de Gresley in 1134 or 1148,[301] the latter by Ranulph de Meschines, earl of Chester, in 1134.[302]

BYLAND, near Coxwold, in the North Riding of Yorkshire, was colonised from Calder by the first monks of the latter house, which they had been obliged to abandon after the Scotch raid of 1136.[303] The story of their return to the parent-house Furness, of the rejection of their plea for admission, and the subsequent foundation and early vicissitudes of Byland, would belong rather to the history of the settlement in England of the order of Savigny. It will be sufficient to say that in 1147 Byland, the 'Behelande' of the bull of Eugenius, had thrown off the yoke of Furness, and was subject directly to the abbot of Savigny by permission of the general chapter of that order granted in 1142. In the year of the junction with Cîteaux the convent was removed from Old Byland, where Roger de Mowbray had placed it in 1143, but which was too near to Rivaulx,[304] to Stocking, near Coxwold, under Blackhow Hill. The beginning of the great possessions of Byland,[305] and probably the chief part of those which she brought with her to the Cistercian order, were the donations of Roger de Mowbray. These were the cow pasture of Cambe, the lands of Wildon, Scackleton, and Ergham, or Argam, given at the petition of Thurstan of York and

[297] *Chronicon Manniae*, p. 138, ed. Munch.

[298] *Monumenta*, vol. ii. p. 1. 'Quod etiam ut melius fieret et firmius teneretur quandam partem terre mee ad Abbatiam construendam, praedicte ecclesie . . . erogavi.'

[299] *Chron. Man.* p. 7, has 1134, but the above is given in the Furness register. Vide *Monast.* v. 250, Append. XIV.

[300] Vide *Monast.* v. 250, Append. XIV, for the Irish daughter-houses of Furness.

[301] *Ib.* pp. 336–7 and 250, Append. XIV.

[302] *Ib.* 240, Append. XIV., but cf. *Orig. Cist.* i. 101. Janauschek thinks the date would be 1 Feb. 1135 according to our reckoning.

[303] This house was refounded in 1142. Cf. *Orig. Cist.* i. 100.

[304] The Cistercian regulations for isolating their abbeys, binding, of course, upon Rivaulx, and after 1147 upon Byland also, were very strict. Among the statutes contained in Raynard's collection of 1134 is: 'si cui locus ad abbatiam construendam oblatus fuerit, non praesumat accipere nisi prius distare eum a ceteris abbatiis nostri ordinis decem leucis Burgundiae pro certo cognoverit. Si tamen ibi congregatio fuerit per assensum gen. capit. recipi poterit.' Vide *Thesaur. Novus*, iv. 1243.

[305] *Monast.* v. 344.

Roger's mother, Gundreda d'Albini, in 1140; the town and church of Byland 'super Moram,' or Old Byland, in 1143; and two carucates of land in Coxwold in 1147. Roger also offered various other of his possessions, including the advowsons of the churches of Thirsk, and of two other places. But all these things Roger the abbot, *homo scrupulosae conscientiae pro cura animarum*, refused to receive, simply telling his benefactor that he had given them enough. This abbot had to contend with great difficulties, partly arising from the hostility of neighbouring lords, as, for instance, Hugh Malbys, lord of Scalton, Guy of Boltby, the Stutevilles, and David of Davidvilla, lord of Kilburn, and only the powerful support of Roger de Mowbray enabled him to hold his own against them. It is curious to notice that the names of these oppressors reappear among those of the benefactors of the house.[306] In 1150 the abbots of Calder and Furness revived their claim upon Byland as a daughter-house of the former, in disregard of the decision of the chapter of Savigny in 1142. This dispute was settled by Ailred of Rivaulx, who had been called in in accordance with the Cistercian regulation for the settlement of such controversy[307] which was binding now upon all the abbeys concerned. The decision of the chapter was of course confirmed.

The remaining English houses of Savigny, mentioned in the bull of Eugenius, were Buckfastleigh, on the Dart in Devonshire; Buildwas, in Shropshire; Neath, on the coast of the later Glamorganshire, one of the greatest of the Welsh abbeys, and older than any Cistercian house in England except Waverley; Quarr, near Ryde, in the Isle of Wight, founded by Baldwin de Redvers, earl of Devon, and lord of the island, and confirmed by his son Richard;[308] Stratford Langthorne in Essex, four miles from London; Coggeshall, also in Essex, the later home of the chronicler; Basingwerk,[309] near Holywell, in what is now Flintshire; and Combermere in Cheshire. But the early history of these houses does not belong to that of the Cistercian settlement in England within the limits laid down for this paper. By a charter of Henry,[310] afterwards Henry II, granted before his father's death, that is, before 1151, it appears that the monks of Quarr received a place called 'Locwelle,' or Lockswell, in the forest of Chippenham, in Wiltshire, to build an abbey upon. This is said to have been the original site of a daughter-house of Quarr, which was removed three years later to Stanley, near Chippenham.

[306] *Ib.* p. 352, Append. VII.

[307] *Instituta*, ap. Guignard, 270, lxx.: 'si forte aliqua controversia inter aliquos abbates nostri ordinis orta fuerit, convocent vicinos abbates ordinis nostri et eorum consilio pacem ineant.'

[308] *Monast.* v. 316, Append. I.

[309] Janauschek thinks that Basingwerk may have been subjected to the visitation of Buildwas after 1147.

[310] *Monast.* v. 564, Append. II.

It is supposed, moreover, to have been identical with the abbey known as St. Mary of Drownfont, or 'de Drogonis Fonte,' named after the owner of the land, Drogo, chamberlain of the Empress Matilda.[311]

The abbey of JERVAULX, or Joreval, in Wensleydale, in the North Riding of Yorkshire, was originally founded by a small society of religious united to Savigny, but too unimportant in 1147 to be mentioned in the bull of Eugenius. It would appear that certain monks, or hermits possibly, under the leadership of Peter of Quincey, a physician,[312] had settled at Fors, in Wensleydale, upon land given by one Akarias, son of Bardolph, and under the powerful protection of Alan, duke of Brittany, and earl of Richmond.[313] The latter offered the house to the abbot of Savigny, who most unwillingly accepted the gift. Meanwhile Peter and his monks anxiously awaited the coming of an abbot and convent from Savigny, and wrote repeatedly to that effect. But the abbot of Savigny remembered with great indignation the perils, difficulties, and losses which monks sent from Savigny into England had before endured, and their prayers to be recalled. With an oath, *per virtutem summae civitatis in cuius honore fundata extitit ecclesia Savigniacensis*, he declared that never again would he send another convent there, and most glad would he be to be altogether relieved of this gift of Fors. He then wrote to Peter and told him he had acted very foolishly in beginning a monastery without advice from Savigny. Matters were in this stage when Roger, abbot of Byland, went to Savigny in 1146, and to him Peter entrusted a letter imploring the abbot to declare his will concerning the new foundation. Roger, who had his own burden of difficulty to carry into Normandy to Roger de Mowbray, was odliged to leave the chapter early, and committed the care of the business of Fors to the abbot of Quarr. The latter remained behind at Savigny after

[311] *Ib.* p. 563.

[312] To a physician entering the Cistercian order at this time there would be much to forgive. All association with doctors, and even the use of medicines, unless of the simplest character, were strictly forbidden in this, its earliest period. *Ann. Cist.* i. 393. 'Certe a pharmacis monachos abstemios multo tempore Cistercium conservavit.' Cf. *Mag. Exord. l.c.* p. 1077; also *Instituta*, ap. Guignard, p. 268, lxiii, and Bernard's letter to Bernard of St. Anastasius (afterwards Eugenius III) ap. Manriquez, *Ann. Cist.* i. 393. The monks of St. Anastasius were suffering severely from the unhealthiness of the site, and their abbot had written to ask St. Bernard whether under such circumstances it might not be lawful to consult doctors and meet disease by medicine. Bernard's reply exhorts him to follow after righteousness, but he adds, 'minime competit religioni vestrae medicinas quaerere corporales, sed neque expedit saluti. Nam de vilibus quidem herbis, et quae pauperes deceant, interdum aliquid sumere tolerabile, et hoc aliquando solet fieri. At vero species emere, quaerere medicos, accipere potiones, religioni indecens est et contrariam puritati, maximeque Ordinis nostri. . . . Hae enim omnia gentes inquirunt.'

[313] The abbey was removed to its later site on the river Eure in East Witton, in 1156 by Duke Conan of Brittany, with the consent of Hervaeus, son of Akarias.

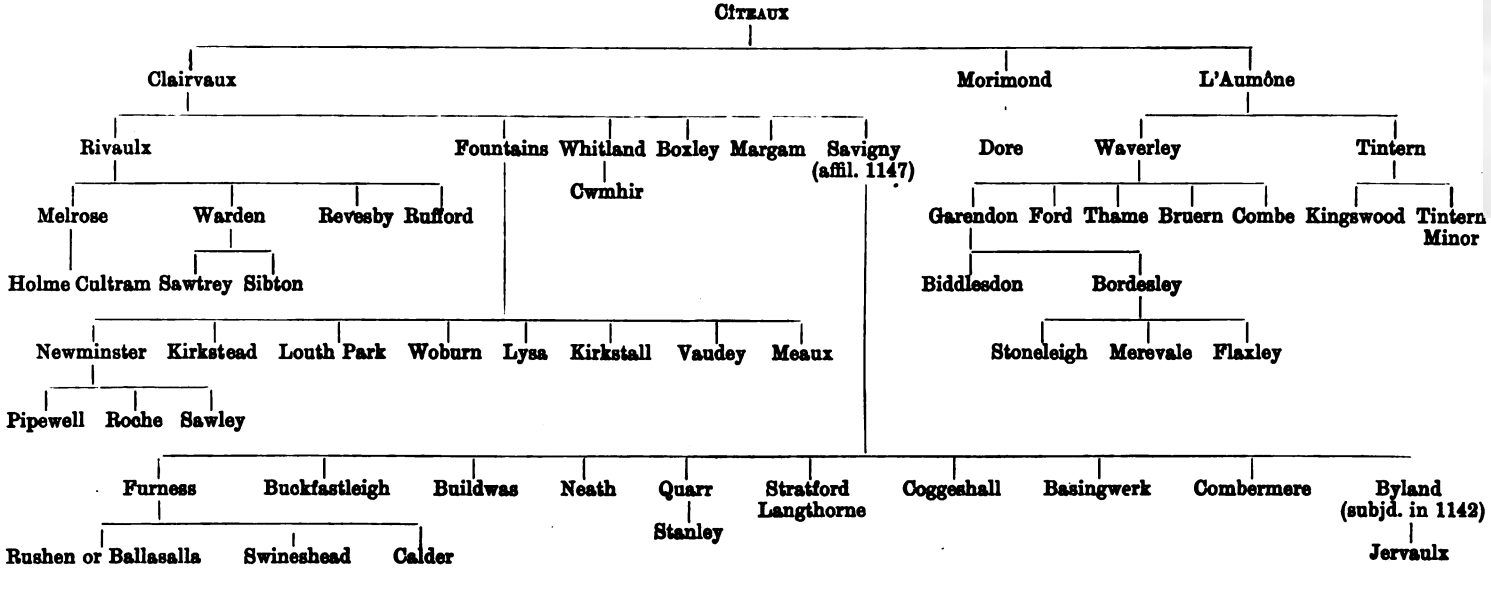
the chapter was over, to hear the final injunctions of the abbot with regard to it. He was accordingly ordered to visit in person that year all the houses of Savigny in England. If, after this, he should find that the endowment of Fors was sufficient to support an abbey, he was to give it to the abbot of Byland as a daughter-house, according to the decision arrived at on the second day of the chapter. If, on the other hand, the endowment was not sufficient, the grant was to be left in the custody of Peter for the use of Savigny. After some hesitation, the former was the course finally decided upon; but before anything had been done, Guy, prior of Savigny, arrived in England in 1147, bearing the letters which subjected the whole order to Citeaux. Roger of Byland dared not proceed any further in the matter until he knew whether the decision with regard to Fors would be ratified, and by the advice of the friends whom he consulted went himself to Savigny in 1149 to inquire. The answer which he received after two or three days confirmed the whole transaction. Still dissatisfied, Roger proceeded to Bernard, and from him obtained the simple answer that all things which had been ordained and confirmed by the chapter of Savigny would be ratified by that of Citeaux. Finally, reassured by the chapter of Citeaux itself, to which he next went, and having seen the abbey of Fors or Jervaulx entered in the Cistercian tables, Roger returned home and straightway ordered his cellarer to put the better bell of the parish church in a cart and send it to Jervaulx. This was done, and, *prima dominica Quadragesimae*, Peter and his companions were summoned to Byland to attend the chapter of the house. The ordinary business of the meeting[314] being over, Roger, with a sigh that came from the depths of his heart, announced to them that their long period of waiting was over, and that he had chosen for them an abbot, John of Kingston, one of the monks who had come out from Calder and been in Byland from the beginning. The monks arose as one man, seized the newly appointed abbot, and bore him in their arms to the high altar, crying *Tu es abbas Jorevallis*. They then more quietly returned to the chapter, and the abbot of Byland, taking John of Kingston by the right hand, placed him in the chair prepared for him, saying, *Ego te confirmo abbatem, et tibi committo curam animarum et regnum abbatiae Jorevall, cum tota substantia, personis et possessionibus habitis et habendis, tam in temporalibus quam in spiritualibus, sicut Serlo abbat Savigniacensis illam nobis dedit.* He then delivered to him the rule of St. Benedict with a little reliquary, and on 8 March, 115$\frac{0}{1}$, after nightly vigils, the new abbot and his twelve brethren went forth to Jervaulx.[315]

Sic vinea Cisterciensis palmites suos per universam Angliam dilatavit.[316] The number of the regularly constituted abbeys of

[314] For the order of this day vide *Monuments Primitifs*, p. 105, xv.

[315] *Monast.* v. 568 *et seq.*, Append. I to VI. [316] Henriquez, *Fascic.* ii. 211.

FILIATIONS OF THE ENGLISH CISTERCIAN HOUSES, A.D. 1152.



the order in this country had in 1152 reached that of fifty, and the period of the Cistercian settlement in England may be said to close abruptly in that year. The advance had become too rapid to insure the observance of the rule in all its purity,[317] and in 1152 the movement at large, though in no way arrested, received its first check in the decree which went forth from Citeaux that no more abbeys of the order should be founded.[318]

ALICE M. COOKE.

[317] Ord. Vit. *Hist. Eccles.* viii. 26, *l.c.* p. 446. 'Multi ex eorum [*scil.* Cist.] fonte sitientes hauserunt. . . . Misti bonis hypocritae procedunt candidis seu variis indumentis amicti homines illudunt . . . et probatos coenobitas, quantum ad fallaces hominum obtutus attinet, despicabiliores faciunt.'

[318] *Instituta*, *l.c.* p. 273, lxxxvi, 'anno ab incarnationis Domini MCLII statutum est in generali capitulo abbatum, ne ulterius alicubi construeretur nova abbatia ordinis nostri neque aliquis alterius religionis per subiectionem nostro ordini societur.'

This check was, as has been said, merely temporary. For the remaining ancient abbeys of the order in England, see the map facing p. 625. The nunneries are there given on the authority of Dugdale (ed. Caley) simply, one only, Codenham in Yorkshire, about which nothing is known, having been omitted. From Dugdale's list of abbeys one, Clynnog Fawr on Carnarvon Bay, has been left out, and one, Llantarnam in Monmouthshire, doubtfully inserted. The evidence for placing Clynnog Fawr among the Cistercian abbeys of Wales, even for a short period, would seem insufficient. See *Orig. Cist.* I. xlix.

Wace and his Authorities

IN studying the authorities for the battle of Hastings, I have been led to a conclusion which, so far as I know, has never yet occurred to any one. It is that William of Malmesbury's 'Gesta Regum' was among the sources used by Wace. Neither in Körting's elaborate treatise, 'Ueber die Quellen des Roman de Rou,' nor in Andresen's notes to his well-known edition of the 'Roman' (ii. 708), can I find any suggestion to this effect. Dr. Stubbs, in his edition of the 'Gesta Regum,' dwells on the popularity of the work both at home and abroad, but does not include Wace among the writers who availed themselves of it; and the late Mr. Freeman, though frequently compelled to notice the agreement between Wace and William, never thought, it appears, of suggesting the theory of derivation; indeed, he speaks of the two writers as independent witnesses, when dealing with one of these coincidences.[1] The more one studies Wace, the more evident it becomes that the 'Roman' requires to be used with the greatest caution. Based on a *congeries* of authorities, on tradition, and occasionally of course, on the poetic invention of the *trouveur*, it presents a whole in which it is almost impossible to disentangle the various sources of the narrative. Before dealing with the passage which led me to believe that the 'Gesta Regum' must have been known to Wace, I will glance at some other coincidences. We have first the alleged landing of William at Hastings instead of Pevensey. On this Mr. Freeman observed:

> *Venit ad Pevenesæ*, says the Tapestry. So William of Poitiers and William of Jumièges. William of Malmesbury says carelessly, *Placido cursu Hastingas appulerunt.* So Wace, who altogether reverses the geography, making the army land at Hastings and go to Pevensey afterwards.[2]

Here William of Malmesbury, who was probably using 'Hastingas' as loosely as when he applied that term to Battle, appears to be responsible for the mistake of Wace, who may have tried to harmonise him with William of Jumièges by making the Normans proceed to Pevensey after having landed. Take again the hotly dis-

[1] *Norm. Conq.* iii. 783.

[2] iii. 402, *n* 2.

puted burial of Harold at Waltham. On this question Mr. Freeman writes:

> William of Malmesbury, after saying that the body was given to Gytha, adds, *acceptum itaque apud Waltham sepelivit.* . . . Wace had evidently heard two or three stories, and with his usual discretion, he avoided committing himself, but he distinctly asserts a burial at Waltham.[3]

This then is another coincidence between the two writers, while, as before, Wace found himself in the presence of a conflict of authorities. On yet another difficult point, the accession of Harold, I see a marked agreement, though Mr. Freeman did not. Harold, according to William of Malmesbury, *extorta a principibus fide, arripuit diadema,* and *diademate fastigiatus, nihil de pactis inter se et Willelmum cogitabat.* Wace's version runs:—

> Heraut ki ert manant è forz
> Se fist énoindre è coroner;
> Unkes al duc n'en volt parler,
> Homages prist è féeltez
> Des plus riches è des ainz nes.

Not only is the attitude of Wace and William towards Harold's action here virtually identical, but the mention of his exaction of homage seems special to them both.

The passages, however, on which I would specially rest my case are those in which these two writers describe the visit of Harold's spies to the Norman camp before the battle of Hastings. This legend is peculiar to William of Malmesbury and Wace, and though it may be suggested that they had heard it independently, the correspondence—it will, I think, be admitted—is too close to admit of that solution.

William of Malmesbury.	Wace.
Praemisit tamen qui numerum hostium et vires specularentur.	Heraut enveia dous espies Por espier quels compagnies E quanz barons e quanz armez Aueit li dus od sei menez.
Quos intra castra deprehensos Willelmus circum tentoria duci, moxque, largis eduliis pastos, domino incolumes remitti jubet.	Ia esteient a l'ost uenu, Quant il furent aparceu A Guillaume furent mene, Forment furent espoente. Mais quant il sout que il quereient E que ses genz esmer ueneient, Par tos les tres les fist mener E tote l'ost lor fist mostrer; Bien les fist paistre e abeurer, Pois les laissa quites aler, Nes volt laidir ne destorber.
Redeuntes percunctatur Haroldus quid rerum appor-	Quant il vindrent a lor seignor, Del duc distrent mult grant enor.

[3] iii. 782.

tent: illi, verbis amplissimis ductoris magnificam confidentiam prosecuti, serio addiderunt pene omnes in exercitu illo presbyteros videri, quod totam faciem cum utroque labio rasam haberent; . . . subrisit rex fatuitatem referentium, lepido insecutus cachinno, quia non essent presbyteri, sed milites validi, armis invicti.

(§ 239).

Un des Engleis, qui out veuz
Les Normanz toz res e tonduz,
Quida que tuit proueire fussent
E que messes chanter peussent,
Kar tuit erent tondu e res,
Ne lor esteit guernon remes.
Cil dist a Heraut que li dus
Aueit od sei proueies plus
Que chevaliers ne altre gent;
De co se merueillout forment
Que tuit erent res e tondu.
E Heraut li a respondu
Que co sunt cheualiers uaillanz,
Hardi e proz e combatanz.
'N'ont mie barbes ne guernons,'
Co dist Heraut, 'com nos auons.'

(ll. 7101-34).

The story is just one of those that William of Malmesbury would have picked up, and Wace has simply, in metrical paraphrase, transferred it from his pages to his own.

Yet another story, on which Mr. Freeman looked with some just suspicion, is common to these two writers, and virtually to them alone. It is that of 'the contrast between the way in which the night before the battle was spent by the Normans and the English' (iii. 760). Wace, says Mr. Freeman, 'gives us the same account' as William 'in more detail,' while William 'gives us a shorter account.' I here again append the passages side by side, insisting on the fact mentioned by Mr. Freeman that Wace expands the story 'in more detail.'

Itaque utrinque animosi duces disponunt acies. . . . Angli, ut accepimus, totam noctem insompnem cantibus potibusque ducentes.

. . . . .

Quant la bataille dut ioster,
La noit auant, c'oi conter,
Furent Engleis forment haitie,
Mult riant e mult enueisie.
Tote noit maingierent e burent,
Onques la noit en lit ne jurent.
Mult les veissiez demener,
Treper e saillir e chanter.

. . . . . .

Contra Normanni, nocte tota confessioni peccatorum vacantes, mane Dominico corpore communicarunt.

(§§ 241, 242.)

E li Normant e li Franceis
Tote noit firent oreisons
E furent en afflictions.
De lor pechiez confes se firent,
As proueires les regehirent,
E qui nen out proueires pres,
A son ueisin se fist confes.

. . . . . .

Quant les messes furent chantees,
Qui bien matin furent finees, . . .

(ll. 7349-56, 7362-68, 7407-8.)

This brings me to the key of the position, namely, § 241 of the 'Gesta Regum.' We may divide this section into three

successive parts: (1) the description of the way in which the English spent the night—which is repeated, we have seen, by Wace; (2) the array of the English, with which I shall deal below; (3) the dismounting of Harold at the foot of the standard. I here subjoin the parallels for the third, calling special attention to the phrases *d'or e de pierres* (*auro et lapidibus*) and *Guill. pois cele victoire Le fist porter a l'apostoire* (*post victoriam papae misit Willelmus*).

Rex ipse pedes juxta vexillum stabat cum fratribus, ut, in commune periculo aequato, nemo de fuga cogitaret. Vexillum illud post victoriam papae misit Willelmus, quod erat in hominis pugnantis figura, auro et lapidibus arte sumptuosa intextum.

Quant Heraut out tot apreste
E ço qu'il uolt out commande,
Enmi les Engleis est uenuz,
Lez l'estandart est descenduz.
Lewine e Guert furent od lui,
Frere Heraut furent andui,
Assez out barons enuiron;
Heraut fu lez son gonfanon.
Li gonfanon fu mult vaillanz,
D'or e de pierres reluissanz.
Guill. pois cele victoire
Le fist porter a l'apostoire,
Por mostrer e metre en memoire
Son grant conquest e sa grant gloire.
(ll. 7853–66.)

The only part of § 241 which remains to be dealt with is the second. The two passages run thus:—

Pedites omnes cum bipennibus, conserta ante se *scutorum* testudine, impenetrabilem cuneum faciunt; quod profecto illis ea die saluti fuisset, nisi Normanni, simulata fuga more suo confertos manipulos laxassent.
(§ 241.)

Geldons engleis haches portoent
E gisarmes qui bien trenchoent;
Fait orent deuant els *escuz*
De fenestres e d'altres fuz,
Deuant els les orent leuez,
Comme cleies joinz e serrez;
Fait en orent deuant closture,
N'i laissierent nule iointure,
Par onc Normant entr'els venist
Qui desconfire les volsist.
D'escuz e d'ais s'auironoent,
Issi deffendre se quidoent;
Et s'il se fussent bien tenu,
Ia ne fussent le ior uencu.
(ll. 7813–26.)

Mr. Freeman, of course, observed the parallel, but, oddly enough, missed the point. He first quoted the lines from Wace, and then immediately added 'So William of Malmesbury' (iii. 764), thus reversing the natural order. The word that really gave me the clue was the *escuz* of Wace. It is obvious that, here as elsewhere, it must mean 'shield;' and Mr. Freeman consequently saw in the passage an undoubted description of the 'shield-wall' (iii. 763). Moreover, the phrase *lever escuz* is, in Wace, a familiar one, describing preparation for action, thus, for instance:

Mult ueissiez Engleis fremir,

. . . . . .

Armes saisir, escuz leuer.

(ll. 8030, 8033.)

On the other hand, there are, in spite of Mr. Freeman, undoubted difficulties in rendering the passage as a description of the 'shield-wall,' just as there are in taking *escuz* to mean 'barricades' (iii. 471). The result was that, perhaps unconsciously, Mr. Freeman gave the passage two contradictory renderings (iii. 471, 763). Now, starting from the fact that the disputed passage supported, and also opposed both renderings, I arrived at the conclusion that it must represent some confusion of Wace's own. He had, evidently, himself no clear idea of what he was describing. But the whole confusion is at once accounted for if we admit him to have, here also, followed William of Malmesbury. His *escuz*—otherwise impossible to explain—faithfully renders the *scuta* of William, while the latter's *testudo*, though strictly accurate, clearly led him astray. The fact is that William of Malmesbury must have been quite familiar with the 'shield-wall,' if indeed he had not seen the fyrd actually forming it.[4] Wace, on the contrary, living later, and in Normandy instead of England, cannot have seen, or even understood, this famous formation with which his cavalry fight of the twelfth century had nothing in common. It is natural therefore that his version should betray some confusion, though his *Fait en orent deuant closture* clearly renders William of Malmesbury's *conserta ante se scutorum testudine*. There is no question as to William's meaning, for a *testudo* of shields is excellent Latin for the shield-wall formed by the Romans against a flight of arrows.[5] Moreover, the construction of William's Latin (*conserta*) accounts for that use by Wace of the pluperfect tense on which stress has been laid as proof that the passage must describe a 'barricade.'[6] That Wace could, occasionally, be led astray by misunderstanding his authority, is shown by his taking Harold to Abbeville, after his capture on the French coast, a statement which arose, in Mr. Freeman's opinion, 'from a misconception of the words of William of Jumièges (iii. 224).' No one, I think, can read dispassionately the extracts I have printed side by side, without accepting the explanation I offer of this disputed passage in Wace, namely, that it is nothing but a metrical,

[4] He describes, as Mr. Freeman observed, King Henry bidding the English 'meet the charge of the Norman knights by standing firm in the array of the ancient shield-wall' (*W. Rufus*, ii. 411).

[5] Thus, for instance, Livy writes: 'Testudo est cum conglobati milites et scuta scutis arcte iungentes, invicem se protegunt, et ingruentia tela defendunt: Graeci συνασπισμόν dicunt' (xxxiv. 39). We may compare the passage in Æthelred of Rievaux which Mr. Freeman (iii. 764) aptly quoted in illustration of William of Malmesbury's 'testudo:' 'scutis scuta junguntur, lateribus latera conseruntur.'

[6] *Contemp. Rev.* March 1893, p. 351.

elaborate, and somewhat confused, paraphrase of the words of William of Malmesbury.

Passing from William of Malmesbury to the Bayeux Tapestry, we find a general recognition of the difficulty of determining Wace's knowledge of it. I can only, like others, leave the point undecided. On the one hand, his narrative, as a whole, does not follow the Tapestry; on the other, it is hard to believe that the writer of ll. 8103–8138 had not seen that famous work. His description of the scene is marvellously exact, and the Tapestry phrase, in which Odo *confortat pueros*—often a subject of discussion—is at once explained by his making the *pueri* whom Odo 'comforted' to be—

> Vaslez, qui al herneis esteient
> E le herneis garder deueient.

Of these varlets in charge of the 'harness' he had already spoken (ll.7963–7). The difficulty of accounting for Wace, as a canon of Bayeux, being unacquainted with the Tapestry is, of course, obvious. But in any case he cannot have used it, as we do ourselves, among his foremost authorities.

In discussing his use of William of Jumièges, we stand on much surer ground. It certainly strikes one as strange that in mentioning the obvious error by which Wace makes Harold receive his wound in the eye early in the fight (l. 8185), before the great feigned flight, Mr. Freeman does not suggest its derivation from William of Jumièges, though he proceeds to add (p. 771):—

> I need hardly stop to refute the strange mistake of William of Jumièges, followed by Orderic; *Heraldus ipse in primo militum progressu* ['Congressu,' *Ord.*] *vulneribus letaliter confossus occubuit.*

But a worse instance of the contradictions involved by the patchwork and secondary character of his narrative is found in his statements as to Harold's arrival on the field of battle. 'Wace,' says Mr. Freeman, 'makes the English reach Senlac on Thursday night' (p. 441). So he does, even adding that Harold

> fist son estandart drecier
> Et fist son gonfanon fichier
> Iloc tot dreit ou l'abeie
> De la Bataille est establie. (ll. 6985–8.)

But Mr. Freeman must have overlooked the very significant fact that when the battle is about to begin, Wace tells a different story, and makes Harold only occupy the battle-field on the Saturday morning.

> Heraut sout que Normant vendreient
> E que par main se combatreient:
> Un champ out *par matin* porpris,
> Ou il a toz ses Engleis mis.
> *Par matin* les fist toz armer
> E a bataille conreer. (ll. 7768–72.)

I have little doubt that he here follows William of Jumièges ([*Heraldus*] *in campo belli apparuit mane*) and that he was thus led to contradict himself.

Mr. Freeman had a weakness for Wace, and did not conceal it: he insisted on the poet's 'honesty.' But 'honesty' is not knowledge; and in dealing with the battle, it is not allowable to slur over Wace's imperfect knowledge. Mr. Freeman admits that 'probably he did not know the ground, and did not take in the distance between Hastings and Battle' (p. 762). But he charitably suggests that 'it is possible that when he says *en un tertre s'estut li dus* he meant the hill of Telham, only without any notion of its distance from Hastings.' But, in spite of this attempt to smooth over the discrepancy, it is impossible to reconcile Wace's narrative with that of Mr. Freeman. The latter makes the duke deliver his speech at Hastings and then march with his knights to Telham and there arm. But Wace imagined that they armed in their quarters at Hastings (*Issi sunt as tentes ale*), and straightway fought. The events immediately preceding the battle are far more doubtful and difficult to determine than could be imagined from Mr. Freeman's narrative, but I must confine myself to Wace's version. I have shown that his account is not consistent, as to the movements of Harold, while as to the topography, 'his primary blunder,' as Mr. Freeman terms it, 'of reversing the geographical order, by making William land at Hastings and thence go to Pevensey,' together with his obvious ignorance of the character and position of the battle-field, must, of course, lower our opinion of his accuracy, and of the value of the oral tradition at his disposal. Honest and industrious, no doubt, he was, but the tendency, however unconscious, to treat him as an original authority for the events of the Conquest, has, I think, been carried too far.

J. H. Round.

The Security of Copyholders in the Fifteenth and Sixteenth Centuries

AMONG the 'Notes and Documents' of the April number of this REVIEW is a criticism by Professor Ashley of a paper contributed by me to the 'Transactions of the Royal Historical Society' for 1892. The origin of this contribution, which took the form of an introduction to the inquisition into inclosures of 1517, was a contention raised by Professor Ashley before the British Association in 1890, and in the 'Annals of the American Academy of Political Science,' that the inclosing movement of the years 1450 to 1550 involved 'the actual dispossession of the copyhold or customary tenants by their manorial lords.' That this alleged dispossession was within the law rested upon the further assertion that 'the mass of copyholders' had 'at the beginning of the period no legal security.' While thus limiting his proposition, Professor Ashley gave no indication of the moment or manner in which, during the period, legal security previously non-existent came into being; who constituted the minority which, apparently, enjoyed it, or who 'the mass' to whom it was denied. In my introduction I endeavoured to show, from medieval jurists, from cases in the royal courts and from manorial records, that customary tenants or copyholders had already long enjoyed considerable security, both through the effective agency of the manorial courts as anciently constituted, and from the court of chancery, while in 1467, at any rate, that is, soon after the agricultural revolution had set in, they received additional protection from the common law courts. The evictions accompanying the inclosing movement could not, therefore, have been evictions of copyholders or customary tenants. To the legal argument both as to the origin of the copyholders' security and as to the protection afforded them by the courts, Professor Ashley has not even attempted a reply. The object of this supplementary paper is to show how greatly I had understated my case.[1]

Since publishing the paper of which I have spoken, I have

[1] I propose to deal with Mr. Ashley's minor criticisms in a preface to the instalment of the Inquisition of 1517 contained in the forthcoming volume of the *Transactions of the Royal Historical Society*.

had access to the documents of the Star Chamber and of the Court of Requests preserved in the Public Record Office. The papers of the Court of Requests have never before, as I am informed, been examined. The documents consist of the pleadings and proceedings in actions heard before these two tribunals. In the case of the Court of Requests the judgments are frequently, though by no means in all instances, preserved. The earliest belong to the years 1491–2. The judgments of the Star Chamber have perished. For the purpose in hand, however, the judgments are not of paramount importance. The records of both these courts are crowded with cases involving the rights of customary tenants generally; and as, in the nature of things, the tenants were as a rule the plaintiffs, it is clear that these courts were not regarded as ineffective. It is not necessary here to discuss the origin or constitutional character of these jurisdictions. Of the two, that of the Court of Requests was in respect of copyholders the more direct. Its judges were at first a committee of the privy council, 'appoynted for the heryng of power mennes causes in the kynges courte of Requestes.'[2] A manuscript list shows them to have numbered fifteen in 1529. In 1552 there were eight commissioners, in lieu of whom two 'Masters of Requests' appear to have been substituted in 1553.[3] The jurisdiction in copyhold cases exercised by the Star Chamber was, I apprehend, founded upon the statute of 1487, which specified 'greate riotts and unlawfull assemblez' as within its cognisance. Such riots were a constant incident of encroachment upon the rights of common claimed by manorial tenants. In addition, the privy council at large, as distinguished from these special committees of privy councillors, interposed an occasional protective authority both before the establishment of the two courts and after, perhaps when there was a glut of business before the courts and immediate action was desirable.[4]

It must be borne in mind that contemporaneously with these two jurisdictions, those of the common law courts, at any rate after 1467, and of the court of chancery were also actively enforced for the protection of aggrieved copyholders. Upon this I have sufficiently dwelt elsewhere.[5] The practical need for other extraordinary tribunals appears both from the preamble of the act of 1487, *Pro camera stellata* (3 H. VII, c. 1), and from the language of the petitioners in the course of their pleadings. The act enumerates jury-

[2] MS. Record Office, Court of Requests. *Orders and Decrees*, ix. 9.

[3] *Ibid.* ix. 179.

[4] This appears from a pleading in 'The Inhabitants of Thingden *v.* Mulsho,' an action before the Star Chamber in the early part of the reign of Henry VIII, which mentions that a decree was issued by the council in the time of Henry VII, ordering Mulsho to throw down his inclosures. It is, however, possible that the word 'council' is here used loosely. Cp. Nicolas, vii. 124, 223, &c.

[5] *Transactions of the Royal Historical Society*, 1892, pp. 238–247.

packing, bribery, and intimidation as attendant mischiefs upon the practice of the common law before the judges of assize. The inhabitants of Draycote urge upon the Star Chamber in 1516, the lord of the manor being the defendant, that 'thei are not able nor of power nor yet dare not sue for their remedie in the premisses and continue in your seid countie for fere of their lyves.'[6] In a replication by the parishioners of Hedor Ossby and Asby against an inclosing landlord, they allege, 'To that he saithe that all the paryssnenours of Hedor Osby and Asby do not compleyn upon hym, the truthe ys they dar not.'[7] So the plaintiffs against the Seynt Johns, father and son, allege to the Court of Requests that 'they ben not able nor of power to trye with the seid Sir John Seynt John and Oliuer, beinge gentilmen of greate londes possessions and substaunce and in greate estimacyon and auctoryte in the countre ther for ther remedie by the due course of your commen lawes.'[8] These extraordinary tribunals got rid of intimidation by dispensing with juries. Interrogatories were framed, administered *vivâ voce* by special commissioners, usually neighbouring justices of the peace, and the evidence reported to the courts, upon which they gave judgment. Poor complainants derived the further benefit of being protected against the corruption both of the judges and counsel which, if we are to believe contemporary witnesses, was prevalent in the common law courts.

There was yet another mode, exceptional indeed and wholly irregular, by which tenants might have redress, at least so long as the jealous vigilance of Cromwell was dominant in the state. This was the direct interference, by way of what is called in Russian extra-legal proceedings 'administrative action,' on the part of the king or his ruling ministers. Among the domestic papers of 1538,[9] is a letter from Edward, earl of Derby, in reply to one from Cromwell. A complaint had reached Cromwell and the king that Derby had evicted seven tenants on his Ellesmere estate, and the suggestion had evidently been made that dislike to loyal subjects had prompted his action. The answer of the earl was a justification on the ground of riot, gaol-breaking, and complicity with murder. But the government took the evidence of the evicted persons themselves, and in doing so made careful inquiries into their tenures. Their depositions remain, in which each tenant admits that 'he hathe no copie indenture ner other writing of the tenement that he holdeth of the said erle, but that he dothe occupie the said tenement with thappurtenaunces at the said Lordes pleasyr.' We may note in

[6] MS. Record Office, *Star Chamber Proceedings*, xiii. 83.

[7] *Ibid.*, bundle 22, No. 153. Similar language is used by the inhabitants of Swarby and Thorpe, Lincolnshire, plaintiffs against an inclosing landlord. MS. Record Office, *Star Chamber Proceedings*, bundle 26, No. 469.

[8] MS. Record Office, Court of Requests, bundle 7, No. 10.

[9] Gairdner, *Letters and Papers of Henry VIII*, xiii. i. 334, ii.

passing the distinction taken between tenancy by copy and 'at pleasure.' It is scarcely credible but that Cromwell, between whom and the territorial nobles little love was lost, contemplated further proceedings had illegality been committed by the eviction of tenants by copy or by lease. Similar powers of summary interference between landlord and tenant were entrusted to the commissioners appointed in 1537 to inquire into the disturbed state of Lancashire.[10] These occurrences well illustrate the truth of Mr. Froude's observation that 'never did any government strain the legislation more resolutely in their [the labouring classes'] favour.'[11]

In the course of the proceedings before the Court of Requests and of the Star Chamber, all the various methods by which a tyrannical lord could oppress his customary tenants are seen to have been practised. Of these the first and most obvious is that of direct eviction from copyhold. Now if the customary tenants and copyholders, for there is no distinction in this matter, possessed nc legal security, the elaborate pleadings which remain to us in these cases have no meaning. An evicted copyholder plaintiff would be *bombinans in vacuo*. On the part of the defendant it would be enough to raise a demurrer and there would be an end of the dispute, except that the Star Chamber would summarily punish all persons guilty of 'unlawful assemblies' gathered to vindicate rights which had no existence. But no such record of procedure is to be found. On the contrary, where aggressions upon such tenants were matter of complaint, a plea to the substance of the charges is regularly filed by the defendants. This fact and the points taken in the pleadings themselves, show the limitations recognised as confining the lord's manorial rights.

The first illustration I will take is the complaint before the Star Chamber in 1516 by the inhabitants of Draycote and Stoke Gifford, Somerset against Sir John Rodney, to which reference has already been made.[12] I pass by the minor charges, such as inclosure of common land, stoppage of right of way, allowing houses to fall to decay contrary to the statutes, and so forth. The point here at issue is the eviction of copyholders. This was alleged against Sir John as lord. What was his answer? That a man may do what he will with his own, and that complainants had no *locus standi*? No. He advanced the justification which had been demanded by the common law courts as long before as the time of Edward III.[13] 'As to the taking awey of the seid house, the seid sur John seieth that the seid John holdeth the same tenement which lieth in Stoke of the seid sur John by copie of courte Rolle where the custume is that noo tenaunt shal make noo vnder tenaunt without licence of

[10] *Ibid.* xii. 302.
[11] *Hist. of Engl.*, ii. 449.
[12] MS. Record Office, *Star Chamber Proceedings*, xiii. 83 fol.
[13] *Trans. of the Royal Hist. Soc.* 1892, pp. 214, 215.

the lord upon payne of forfeiture.' This custom the complainant had, he averred, broken, and this was his warrant for the re-entry.

In 1543 a complaint was laid before the Court of Requests by sundry 'tenauntes and inhabitants' of the manor of Abbot's Ripton, Hunts, which had recently been granted by the crown to Sir John Seynt John, having formed part of the possessions of the dissolved abbey of Ramsey.[14] Numerous acts of tyranny were alleged against the lord, amongst them forcible entry upon the tenancies of the petitioners. I cite this case especially because it is the only one, with the exception of that of the abbot of Peterborough, which will presently be noticed, in which an allusion is made to the phrase 'at the will of the lord,' indicating copyhold tenure, which suggested Professor Ashley's contention. It is just such an exception as proves the rule. In the course of a long plea, all of which was superfluous if the copyholders had no legal security, Sir John Seynt John answers, 'The said defendant perceyvinge the said complaynauntez to contynewe in their obstynatye and perverse mynd discharged the said complaynauntes from their occupacion of their severall ffermes beynge but his tenauntez at wyll. And vpon the regresse of the said complaynauntez the said defendant hath pursewed one Accion of trespas agaynst them at the kynges commen lawe as lawfull it was and ys for him to do.'

Now the point of Sir John's answer is not that they could be evicted because they were copyholders, but because they were not copyholders. The Court of Requests decided, after an examination of the manorial rolls from the time of Richard II, conducted by Nicholas Luke, one of the barons of the exchequer, that the defendant's case was good, and that the copyhold titles claimed by the complainants were not immemorial, an essential condition, as Littleton[15] tells us, of a copyhold, but had for the most part been fraudulently granted by the last abbot about the time of the dissolution of the monastery, 'soo that there was no matier of substaunce brought before the said counsaille to approve the said copies graunted vnto the said complaynauntes to bee of any force or strength in the lawe.' The extracts from the court rolls given in the proceedings fully justify this finding. Upon the point of creation of copyholds the law was clear, even in the absence of fraudulent intention. It is set forth in the act of 1548 'for the assuraunce to the tenauntes of Grauntes and Leases made of the Duke of Somerset's demesne Londes,' as follows:[16]—

Whereas of truethe noe custome or usage can or maye by the lawes of this Realme be annexed or knytt to any meases landes tenementes or hereditamentes letten or to be letten by coppye of Court Rolle to anye person or persons, albeyt those Wordes secundum consuetudinem manerii

[14] MS. Record Office, Court of Requests, Mr. Hunt's *Calendar*, bundle 7, No. 10.

[15] *Tenures*, § 73.

[16] 2 & 3 E. VI, c. 12.

be rehersed and expressed in the said Court Rolle or Coppie thereof had or made, excepte that the same meases landes tenementes or other hereditamentes so letten be olde Customarie or Coppiholde Landes, and have byne used by all the tyme whereof memorye of man ys not to the contrarie to be letten or demysed by coppy of Court Rolle, or other wise at the will of the Lorde accordinge unto the Custome of the said Honnor or Manor. And for that cause, suche and those leases demyses and grauntes made or to be made for terme of lyfe or lyves by coppye of Courte Rolle of demeane or barton landes or other the said landes, and not being olde customarie or coppieholde Landes, nor having any lyverey or season of the same, byne by the lawes of this Realme of noe better force then leases made or to be made onlye for and duringe the will and pleasure of the leassors and grauntors thereof, at and by the common lawe.

For the same reason special acts of parliament had been passed in 1544 and 1545, authorising the creation of copyholds on lands previously belonging to the priory of Walsingham and upon Hounslow Heath.[17] It will be observed that the act of 1548 recites the customary phrase 'at the will of the lord' as a mark of stability of tenure, distinguishing tenancies with which it is associated from mere common law tenancies at will. And the tenants of Abbot's Ripton, in a replication, themselves plead it in the same sense. They

seyen and euery of them seith that the seid complaynauntes and their Auncestores and all they whois estate they have in the premisses tyme out of mynde haue peasablie vside and accustomyde to haue holde occupye and inioye the same severallie by copie of courte roll to them or their heires in fee simple fee taile for terme of liffe or lyves or yeres at the will of the lorde of the same premissez for the tyme beinge in manere and forme as in their seid bill of compleynte is allegide.[18]

The politic tenderness of the courts towards tenants is shown in the protection extended even to those whose claim to be copyholders proved unsound. The Court of Requests in giving judgment for the defendant Seynt Johns, notwithstanding that the complainants had even committed waste upon their holdings, stipulated that leases for terms of years at reasonable rents should be granted to them and that their goods, taken under distress, should be delivered up.[19]

There is one other case with which I have met where appeal

[17] 35 H. VIII, c. 13. 'A byll concernyng the houses, tenementes & landes lying in Walsyngham to be letten by copy, which late were belonging to the Pryory,' and 37 H. VIII, c. 2: 'An Acte for the particon of Hounsloo Heath.' A very curious case (Aysshe and others *v.* Slannynge) was brought into the Court of Requests about 1550, in which it is imputed to the defendant that he fraudulently granted copies of non-customary lands, intending afterwards to evict the tenants on the ground of invalid title. MS. Record Office, Mr. Hunt's *Calendar*, bundle 16, No. 104.

[18] For the history and significance of the phrase 'at the will of the lord,' see *Trans. of the Royal Hist. Soc.* 1892, pp. 219–21.

[19] MS. Record Office, Court of Requests, *Decrees &c.*, vii. 241.

is made to 'the will of the lord.' It confirms in the strongest manner Coke's interpretation of the phrase as referring to the 'commencement of the tenant's title.'[20] For the usual position of parties is in this case reversed. The abbot of Peterborough as lord of the manor brings a complaint into the Star Chamber against one John Power and others, copyholders of Peterborough, for that 'they wold not suffer him to keape ony cattell in the same ground beyng his owne propur grownd, very soyle and freehold.' Instead of the lord evicting the copyholders, the copyholders were evicting the lord, the defendants 'all beyng tenauntes but att the wyll of your seyd oratour,'[21] with the exception of one freeholder. Here, apparently, is a feeble attempt to revive the plea overruled by Danby, C. J., in 1467.[22] But if it were relied on, there was no need for the abbot to bring his complaint at all. He had only to evict the commoners, and their resistance would have been punishable either by the Star Chamber or at common law. In fact, however, I conceive the plea that the defendants were tenants at will not to refer to their copyhold tenures at all, but to the rights of common which they were alleged to be asserting to the exclusion of the lord. The doctrine that the wastes, to which the fen in dispute is specifically mentioned as belonging, were part of the lord's demesne, in the narrow sense of the term, was, as we know from Fitzherbert, now fully established. With regard to the land in dispute, then, the defendants were tenants at will at common law, with the exception of the freeholder, who enjoyed the protection of the statute of Merton.[23]

I will conclude this point with another Star Chamber case of the alleged eviction of copyholders. This was brought by the tenants of the manor of Eglesden, Sussex, in 1545, against John Palmer, the grantee upon the dissolution of the monastery of Sion to which it had belonged.[24] The defendant was accused of conduct recalling the famous Sutherland clearances. He had pulled down or burnt the copyholders' houses, cleared the tenants off the land, and deprived them of their pastures. His defence was not that he had exercised the right which all lords are now asserted to have enjoyed against their copyhold tenants, but a plea to the substance of the charges. He admitted that the tenants held by copy of court roll at the will of the lord according to the custom of the manor, and

[20] *Compl. Copyh.* § xxxii.

[21] MS. Record Office, *Star Chamber Proceedings*, bundle 24, No. 113. I have not found the statement of defence. The name of the abbot is not given in the statement of claim, nor the date; but there are grounds, on the authority of Gunton's *History of the Church of Peterborough*, for fixing the date at about 1510, during the abbacy of Richard Kirton, who was stated to have overcharged this common (the Burgh Fen) by grazing 1,500 sheep upon it. *Ibid.* p. 56.

[22] *Trans. of the Royal Hist. Soc.* 1892, pp. 240–2.

[23] 20 H. III, c. 4. *Trans. of the Royal Hist. Soc.* 1892, pp. 255, 258.

[24] MS. Record Office, *Star Chamber Proceedings*, vi. 181.

treated the admission as an acknowledgment of their claim to security, for he explains that he had first agreed with the complainants for an exchange of the lands and houses occupied by them. Having received good consideration, they had made default in carrying out a contract which he represents to have been perfectly free and *bona fide*. Concurrently with the case in the Star Chamber, another tenant was petitioning the Court of Requests in the same matter, and its judgment has been preserved.[25] From this it would appear that the defence was substantially true; but favourable terms were decreed for the complainant. It is evident that in these disputes the stubbornness of the copyholders was strengthened by the favour they looked for from the king's extraordinary tribunals. This expectation even manifests itself in the language of the pleadings.

That the landlords recognised the fact that copyholders' titles were a legal security against arbitrary eviction is to be inferred from a charge not infrequently recurring, that of obtaining their 'copies' from the copyhold tenants by fraud or violence. Clearly this was a work of supererogation, as indeed were the copies themselves, if these documents were of no avail in the courts. The charge was brought by the tenants of Draycote against Sir John Rodney in 1516, and indignantly repudiated by him as 'very slanderous,' which it could not well have been had mere waste paper been in question. So it was alleged against Sir John Seynt John that 'maney wer compellyed to surrender and gyve up thayr copyes by threttes and manysshynges.'[26] In 1553 a like complaint was made to the Court of Requests against the steward of the crown manor of Dovercourt. 'They compelled us to delyuer vnto them our old copies to make the newe by. And nowe we cannot haue nor yet obteyne neyther our old copies nor newe in vii. or viii. yeres together, nor yet the sight of the court rolles & by that meanes some have lost part of their landes.'[27] It is for those who deny the validity in law and equity of copyhold titles to offer some explanation of these proceedings. The vigour with which the copyholders asserted their rights is a striking feature of these disputes. The lords could not always even control the independence of manorial juries. In 1537 a complaint was laid in the Star Chamber by Lord Braye, as lord of the manor of Houghton, Beds, against his copyhold tenants. They had asserted a right to a fee simple interest in ancient demesne, and had, for reasons which may be inferred from what has gone before, refused to produce their copies. The jury of the manor court had found in favour of their claims, and the lord

[25] MS. Record Office, Court of Requests, vii. 250–1. The manuscript is decayed in parts.

[26] Answers to interrogatories, *Cas. supr. cit.*

[27] MS. Record Office, Court of Requests, Mr. Hunt's *Calendar*, bundle 20, No. 158.

was compelled to have recourse to the Court of Chancery, from which, apparently in consequence of delays, he removed his case to the Star Chamber.[28] The tenants of Abbot's Ripton, according to Sir John Seynt John, 'procured one commen purse to be ordeyned to geyther one common stock to thentent obstynatlye to defend their peruerse and ffroward appetitez and to enioye their voyde coppie holdes maugre of the lordes hedd.' On the whole they may be regarded as having conducted their struggle of two years to a not altogether unsatisfactory issue.

The most remarkable example of obstinate litigation with which I have met was a series of contests maintained by the inhabitants of Thingden, Northants, against the lord of the manor, John Mulsho. It must be premised that this person was a man of some importance. He was high sheriff of his county in 1520. In 1481 or 1482 he had succeeded to this property and had at once proceeded to inclose. The inhabitants then obtained a decree from the privy council ordering him to throw down his inclosures.[29] About 1526 he seized the copyhold of one Henry Selby, 'a husbandman,' on the plea of breach of custom of the manor with regard to admittance and fine. Selby brought a case in the Star Chamber claiming a copyhold estate of fee simple. An award was made which, according to Mulsho, Selby refused to perform. The cause of Selby's contumacy seems to have been the demand by Mulsho, as lord of the manor, of a fine which Selby considered unreasonable for his admittance to the share of the copyhold lands claimed by him. In 1528 Selby sued Mulsho upon this ground in the Court of Requests. Mulsho proved the fine to be customary and reasonable. Selby continuing his refusal to pay the fine, Mulsho entered on his copyhold. Upon a re-entry by Selby, Mulsho brought a common law action for trespass at Northampton and obtained judgment with costs. In 1529 Selby brought an action against Mulsho in chancery before Sir Thomas More. More issued a commission to Edward Mountague, serjeant-at-law, and, strangely enough, steward of the manor of Thingden, to hear and determine the cause. In 1530 Mountague awarded the copyhold in dispute to Selby upon payment of a fine of five shillings. Selby, refusing payment, was committed by More to the Fleet prison for a fortnight. Selby next obtained 'a writ of Monstraverunt against Mulsho in the comen place. This writ, it should be said, issued upon the allegation that the land in question was ancient demesne, on which the fines were fixed and not determinable by the lord or his steward.[30] Mulsho complains

[28] MS. Record Office, *Star Chamber Proceedings*, vi. 32, 33.

[29] *Ibid.* bundle 26, 359. This statement is from the finding of Robert Brudenell, a judge commissioned by the Star Chamber about 1526 to ascertain the facts. The rest of the history of the litigation is taken from the answer of John Mulsho to the complaint of Henry Selby before the Court of Requests in 1534.

[30] See *Trans. of the Royal Hist. Soc.* 1892, p. 252 and note 3.

that in this action 'the seid Selby was moche ffauored & was admytted in fforma pauperis & had assigned to his counsaill iiij. serieauntes at the lawe & his attourney to geve hym councell without payeng any ffeez for the same.' The result of this action does not appear. Emboldened by this favour or by the sympathy of his neighbours, Selby in 1531 brought an action at Nisi Prius at Northampton, claiming that the land in dispute was a freehold in tenure. The jury found against Selby, who brought another action in chancery before Lord Chancellor Audeley in 1533. But 'the seid lord chauncellour tolde the seid Selby that his matter was nought & that if he troubeled hym eny more with the same he would cause his heyrez to be naylled to a pyllory.' The undaunted Selby in the following year (1534) brought an action in the Court of Requests upon the plea of socage in ancient demesne, of which I have not discovered the judgment.

It has been said that other inhabitants of Thingden were interested with Selby against Mulsho's proceedings. About 1529 they joined in a petition to Wolsey, then chancellor, with respect to the inclosures. The story is told by Mulsho in a cross-action against the inhabitants of Thingden,[31] brought by him in the Star Chamber in 1530. Wolsey, by one of those high-handed acts of policy which involved him in so much unpopularity, if we are to believe Mulsho's version—

> Withowte dewe examynacyon thereupon hadde in the kynges name grauntyd a wrytte oute of the Chauncery to Sir William Ffitzwilliam knyghte then and nowe shryue of the said countye of Northamton commaundyng him by the same to take the power of the said countye with him to throwe down the said hedges and dyches aboute the said closes so made by the said John Mulsho wythout callyng the said John Mulsho by any ordinary processe to make answer to the same and withoute any Inquisicion or other mater of Recorde remaynyng in the saide courte of Chauncery or els where prouing the saide Inclosure to be contrary to any lawes or statutes of this Realme.

The inhabitants of Thingden, after the sheriff had executed the chancellor's decree, again met and riotously dug their manorial lord's obnoxious plantations, or what had been left of them, up by the roots (1530). It was for this riot, which ended in a general destruction of his agricultural improvements, that Mulsho summoned them before the Star Chamber. As was alleged against the tenants of Abbot's Ripton, so those of Thingden were stated by Mulsho to 'calle commen councelles and parves and make a commen purse among them promising all of them to take parte with other, saing that xxti of them would spend xxti score poundes ayenst the said

[31] This document has been erroneously indexed Mulsho *v.* Abbot of Croxton, having been mixed up with papers belonging to another suit. MS. Record Office, *Star Chamber Proceedings*, bundle 26, No. 250.

John Mulsho.' They had influential abettors, for about 1531 Mulsho brought two actions in the Star Chamber against Elys (Attercliffe), abbot of Croxton, in the county of Leicester. Of these one was for the 'mayntenaunce & procurement of the same pluckyng downe.'[32] This the abbot not only denied, perhaps as a matter of pleading, but alleged a fresh unlawful inclosure by the complainant of half an acre belonging to the house of Croxton. The other action, which was tried first, and which was, apparently,[33] with respect to the destruction of some inclosures of Mulsho under the abbot's direct orders, resulted in a judgment for Mulsho of 34*l.* 15*s.* 4*d.* as damages, of which the abbot was ordered to pay half, which payment he refused or neglected to make. While these riotous proceedings, leading to the intervention of the Star Chamber, were taking place, the inhabitants brought an action in the Court of Requests, in which they obtained a judgment in their favour as to the fines demanded upon admittance to copyholds. I have now enumerated some thirteen cases of litigation within a few years in various courts arising out of the relations of this lord of the manor of Thingden and his copyholders. Had the copyholders been without legal security, not one of these causes would have been heard.[34]

It may be suggested that, though it is clear that they were amply secured against direct eviction, copyholders might at the expiration of a term be exposed to exactions in the form of fines which would operate to the same end. But a fine, even though 'uncertain,' was bound to be 'reasonable,' and the word 'reasonable' was a term of art, the measure of 'reasonableness' being custom.[35] That the dicta of the jurists in this matter were enforced by the king's courts will be sufficiently shown by the judgment of the Court of Requests in an action brought in 1529 by the copyholders of Thingden against John Mulsho, a fourteenth case. The complaint was the demand of 'excessyve and grete fynes.' The judgment runs:

(It) ys nowe by the said Counsaill ffynally ordered and determyned fforasmoche as the said Mulsho hathe proved before the said Counsaill by his olde evidences custumaries and courte rolles that the fynes of the said tenauntes bee not certain but determynable at the Lordes reasonable will somtyme more and somtyme les. That the same Mulsho and his heires fromhensforth upon suyt and request to hym made by any of his copy

[32] This is from the abbot's answer. MS. Record Office, *Star Chamber Proceedings*, bundle 26, No. 250, B. I have not come across the original complaint of John Mulsho.

[33] The documents of this action have not been found. It is referred to as above in John Mulsho's replication to the answer of the abbot of Croxton.

[34] I by no means feel sure that I have enumerated all of them. There are occasional references to actions between these parties which, in the absence of the complete pleadings, I cannot positively assign to any of the causes mentioned.

[35] For the legal history of this interpretation of 'reasonable,' see *Trans. of the Royal Hist. Soc.* 1892, pp. 249, 250.

holders and tenauntes vse the cessing of the same ffynes reasonably according to his custumarie courte rolles and presidentes.

In case of further dispute on the point, the tenants are to resort to the steward, who is to assess the fines with 'equitie right and good conscience, as he wol aunswere affore the Counsaill to the same.'[36]

Professor Ashley relies upon two passages in the Inquisition of 1517 as leading to the conclusion that 'a considerable clearance of the customary tenants must have taken place' in the course of the agricultural revolution. One of these is the destruction of *vnum integrum hamelett cum omnibus tenementis* by the lord of the manor. The other is the direction to the commissioners to ascertain *quae et quot villae prosternuntur*. Since the greater includes the less it will suffice to inquire what was the size of the 'villae' or 'towns.' Upon this we have contemporary evidence. In the act of 1515 (6 H. VIII, c. 5) 'concernyng the pulling downe of Townes,' the preamble dwells in language unusually forcible upon the evils of diminishing the population by inclosures. The extremity of the mischief it illustrates by the following example. 'For where in somme oon towne ii. hundred persons men women & chyldern . . . were dayly occupied . . . now the seyd persons & their progeny is mynysshed & decreasyd.' The same language is repeated in the act of the following year (7 H. VIII, c. l.). This, which is evidently adduced as a maximum, implies some thirty-three to forty families. In the Record Office[37] is a manuscript draught of a bill belonging to the year 1514 'against engrossing of farms.' This paper is disposed to estimate at a somewhat lower figure the maximum population of a rural 'town'—'So that where was in a towne xx or xxx dwelling houses they be now decayed.' In the Inquisition of 1517 itself, under Yorkshire, we have a striking example of what the commissioners understood by 'town,' a return being there given of the decay or destruction of *vnam villam vocatam Skelton . . . in qua fuerunt quattuor messuagia et quattuor cotagia*.[38] If such were the 'villae,' what were the 'hamlets;' and what necessity is there for imagining the evicted population to be copyholders? A 'town' of this size might reasonably be said to have been 'decayed,' though all the copyholders were left. I find, indeed, one case in the Court of Requests in which, according to the complainants, 'the holl towneship is & shalbe shortly leyd unto pastur.'[39] This was the 'town' of Ascott, itself a hamlet of the parish of Milton in Oxfordshire. It

[36] MS. Record Office, Court of Requests, *Decrees, &c.*, v. 135. The fines which contemporary writers complain of as having been heightened were the 'gressums' (*ad ingressum*) on the grant of a new estate. The judgment appears to refer more particularly to those paid on the vesting of an estate.

[37] MS. Record Office, Brewer's *Calendar*, i. 5727.

[38] *Trans. of the Royal Hist. Soc.* 1893, p. 107.

[39] MS. Record Office, Mr. Hunt's *Calendar*, bundle 8, No. 256. Eustace *v.* Dormer. Internal evidence shows the date to have been between 1526 and 1529.

has been seen how ready copyholders were to prefer suits to the Court of Requests, and how indulgent those courts were to their claims. In this case, however, the complainants are described as 'husbondmen.' There is no suggestion of their being copyholders. Their case is that for the offence of giving evidence before a commission on inclosures 'your said suppliantes and bedmen be discharged of ther holdinges & tenementes & charged to awyde at the feast of thannunciacion' &c. The evictors are Robert Dormer, apparently lord of the manor, and John Wylmot, 'ffermer of all the said town of Ascott havynge all in fee fferme of the said Robert Dormer and by them the holl township is & shalbe shortly leyd vnto pastur.' It is incredible, after the cases of Abbot's Ripton and Thingden, that this involved an eviction of copyholders too timid or too supine to vindicate their rights in combination with these tenants at will at common law in the 'Poor Men's Court of Requests.'

I trust I have now established the main point of my original thesis, the ample and effective protection accorded to copyholders between 1450 and 1550. My data have throughout been the records of manors, early cases, the statute book, judicial decisions, and the treatises of the contemporary jurists. Neither in these, nor in the transactions of the two courts with which I have been here concerned is there any support for the dictum that the mass of copyholders were without legal security. I. S. LEADAM.

Father William Crichton, S.J.

The very prominent part played by Father William Crichton in the papal and Spanish intrigues with the Roman catholic party in Scotland during the reign of James VI merits for that active Scottish Jesuit a more full and accurate biography than he has yet received. There are, no doubt, inedited materials at Stonyhurst and elsewhere which would throw new light on his adventurous career, but pending the production of any such fresh matter it can do no harm to correct certain inaccuracies and misunderstandings to which some recent historians have given currency. It is well known that this Father Crichton, who had been sent upon his first political mission into Scotland early in 1582 by the general of of the society, attempted to enter Scotland again, in company with Father James Gordon, in the autumn of 1584, that he was on that occasion captured at sea by the Dutch, by them conveyed to Ostend, and thence sent back to England, where he was imprisoned in the Tower (Sept. 16). It is with regard to this capture at sea that Father Morris, S.J., the careful and conscientious historian of the catholic 'Troubles,' wrote in 1875,[1] 'A ridiculous story was put in circulation that a letter, torn up by him and thrown away, had been blown on board ship again and pieced and read.' In 1888 Mr. Thompson Cooper[2] writes in similar terms, 'A ridiculous story was circulated that some papers which he had torn in pieces had been blown on board again and pieced together, and that they were found to contain a proposal for the invasion of England by Spain and the duke of Guise;' and for the story in question Mr. Cooper refers the reader to Tytler's 'History of Scotland.'[3] Thirdly, Father Hunter Blair, in a note to his translation of Bellesheim's 'History of the Catholic Church in Scotland' (1889),[4] faithfully following Mr. Cooper, writes, 'Tytler . . . repeats without comment an absurd story which was circulated that some papers which Father Creighton tore in pieces during the voyage were blown on board again, and when pieced together were found to contain the details of a plan for the invasion of England.'

[1] *Troubles*, 2nd series, p. 78.
[2] *Dictionary of National Biography*, xiii. 93.
[3] Ed. 1864, iv. 95.
[4] Vol. iii. 337.

Now even if this story were not well authenticated it is difficult to understand why it should be characterised by this consensus of grave authors as 'ridiculous' or 'absurd.' It is not contrary to experience that the bearer of treasonable papers should, in danger of their discovery, thus seek to destroy them, or that an attempt to throw scraps of paper over a ship's side should be unexpectedly frustrated by a puff of wind. But, in fact, Tytler's account is founded upon the best of evidence. Walsingham wrote to Sir R. Sadler, 16 Sept. 1584—

> Of late one Creighton, a Scottish Jesuite, was taken by a shippe sett forth by the admiral of Zeland, and sent hither by him unto her majestie, about whom was found a very daungerous plott sett down abowt two yeares past in the Italian tongue for the invading of this realme. And although it was torne in pieces and divers parts thereof lost, yet we have gathered the sense thereof, which I send you herewith.[5]

The torn document in question was printed for the first time in its entirety by the late Father Knox from a contemporary copy in the archives of the archbishop of Westminster,[6] together with the confessions relating to the matter extracted from Crichton under fear of torture in the Tower. There are other less complete copies. A portion of one, now among the Cottonian manuscripts in the British Museum, was printed by Strype. Another copy or abridgment in the record office[7] is headed, 'These are the partes or divisions of the discours in Italian fownde upon the Scottish Jesuite taken on the seas in his way to Scotland,' and in one place the transcriber remarks, 'The pretext or cover to this preparation is set downe, but so torne and wantinge as it can not be deciphered; but, as I gesse by this place and another, should come from Spaine.' Father Crichton admitted that the papers were delivered to him by his superior in Paris, *i.e.* Claude Mathieu, provincial of the society in France. All this is to be found in Father Knox's volume, which was published in 1882, and should have made it impossible any longer to treat Tytler's story as ridiculous. The only strange part in the whole affair is that Crichton should have found it worth while to carry about him in the autumn of 1584 a plan of campaign which had been devised two years earlier and was now practically out of date. But the fact is indisputable.

Mr. Cooper states that Crichton, on being released from the Tower, in which he was confined for two years, 'engaged in a conspiracy to raise a rebellion in England (1586),' and adds, 'His "Reasons to show the Easiness of the Enterprise" are printed by Strype.' There, however, appears no evidence of any such conspiracy on Crichton's part at this date. The 'Reasons' referred to

[5] Sadler, *S. P.* ii. 400.
[6] *Letters and Memorials of Card. Allen*, pp. 425–434.
[7] *S. P. Dom. Eliz.*, lxxiii. 4.

forms a portion of the papers captured at sea, and is erroneously or indefinitely assigned by Strype to 'about this year' (1586), instead of 4 Sept. 1584.[8]

Again, the dubious interpretation of an often-quoted extract from one of Crichton's letters, apart from its context, has led certain recent historians not only to give to an episode in his career undue importance, but to convey thereby a very erroneous impression of King James's policy at a critical moment of his reign, and to throw the history of the time into utter confusion. The passage occurs in a letter addressed by Crichton to Father Thomas Owen, 4 June 1605, and was printed as follows by Dr. Oliver[9] in 1838: 'Our king had so great fear of the number of catholics and the puissance of pope and Spain that he offered liberty of conscience, and sent *me* to Rome to deal for the pope's favour and making of a Scottish cardinal, as I did show the king's letters to F. Parsons.' Dr. Oliver does not himself venture to put a precise date to this commission of Crichton, but is content with the safe remark that James 'had actually employed him in a delicate embassy.'

Father Forbes-Leith is more definite. In his interesting 'Narrative of Scottish Catholics under Mary Stuart and James VI,' valuable especially from its having been compiled 'from the original manuscripts in the secret archives of the Vatican and other collections,' notably those of Stonyhurst, he quotes the same extract (though he makes Parsons instead of Owen to be Crichton's correspondent), and gives to it a new and startling historic reference. Father Forbes-Leith is describing the events of 1593, the discovery of the 'Spanish Blanks,' and the conspiracy of the three catholic earls. He says nothing of the main part in the plot played by Crichton, or of the steps taken by the king against the noblemen and Jesuits implicated; but, on the contrary, tells us, on the authority of his manuscripts, the following amazing story:—

> With the advice of his councillors of state James sent Father Gordon and Father Crichton secretly to Rome for the purpose of laying the whole matter before the pope, and arranging with him the means of restoring the catholic religion in Scotland. Gordon accomplished his mission according to his instructions, and returned to Scotland in company with Father William Crichton and the pope's legate, George Sampiretti. The last-named was the bearer of a large sum of money, which he was to give to the king of Scotland, promising him a monthly allowance of ten thousand ducats on condition of his protecting the catholics and allowing them to remain unmolested in the exercise of their faith. On 16 July 1594 the party landed at Aberdeen.[10]

In a foot note attached to the penultimate sentence of this paragraph the author gives his authorities. He first prints the passage,

[8] *Annals*, iii. 602. [9] *Biography S. J.* p. 18. [10] p. 222.

already quoted from Crichton's letter, but begins it with the words 'For then,' and adds to it 'and prayed him' (*i.e.* Parsons) 'to concur at least to give some satisfaction to our king,' which additions, together with the reference which follows, suggest that he had the whole letter before him. The note then runs on—

'Manuscript letter of Father Crichton, S.J., to Father Parsons [*sic*], 4 June 1605, Stonyhurst archives, vol. 'Anglia,' A, iii. 55. Cf. 'Archives S. J.,' De Missione Scotica puncta quaedam notanda historiae Societatis servienda,' manuscript by Father Crichton, S.J., Latin manuscript. Cf. Lord Walter Lindsay of Balgaries's 'Account of the Present State of the Catholic Religion in the Realm of Scotland in the Year of our Lord One Thousand Five Hundred and Ninety-Four,' a very rare Spanish pamphlet in Blairs College Library.

Mr. Cooper,[11] naturally relying upon this array of authorities, quotes once more the extract in question, taking it, however, in the form given by Gordon,[12] who has taken it from Oliver, and prefaces it with words borrowed from Father Forbes-Leith: 'With the advice of his councillors of state James sent . . . to Rome in 1592 for the purpose of arranging with the pope for the restoration of the catholic religion in Scotland.' The inserted date, 1592, is apparently a slip for 1593, for it was not till 2 or 3 Jan. 1593 that James got news of the discovery of the 'Blanks;' and the supposed commission to Gordon and Crichton was, according to Father Forbes-Leith, consequent upon that discovery. We are asked, then, to believe that while James was issuing decrees of banishment against the Jesuits, and preparing to put down by force of arms the catholic earls, he was secretly sending Crichton, whom he knew to have been the very soul of the conspiracy, to the pope with the object of 'restoring the catholic religion,' and that on the return of his emissaries with a papal legate and a large sum of money in his aid in July 1594, the ungrateful king at once sent Argyle to do battle with the insurgent catholics; and on the duke's discomfiture went himself, dispersed the earls, battered down their castles, and compelled them to fly the country. We may be prepared for much duplicity in James, but such conduct at this moment would need very strong evidence indeed to make it credible.

Lord W. Lindsay's story, a translation of which is printed in 'Narratives' (p. 355), is inaccurate in many details. He, however, does not say that James wrote to the pope, but that the pope wrote to the king, exhorting him to embrace the faith. Lindsay says nothing of Crichton; and the statement that the money brought over to Aberdeen by Gordon and Sampiretti, in 1594, was intended for the king is a grave error; for Gordon's formal receipt to the

[11] *Dictionary of National Biography*, xiii. 94.
[12] *Catholic Church in Scotland*, p. 538

papal treasury [13] states plainly that this money, 'for the levying of men against the heretics,' was meant for the rebel earls, Huntly, Angus, and Errol. The 'De Missione Scotica,' which unfortunately remains unpublished, may throw light on some of the incidents of the affair. It may tell who were the other priests who accompanied Father Gordon and the nuncio, and were made prisoners at Aberdeen; but it may safely be conjectured that it will not confirm Father Forbes-Leith and Mr. Cooper in their main statement as to James's negotiation with the pope, through Crichton, for the restoration of the Catholic religion, or even the making of a Scottish cardinal, in 1592–4.[14] It is curious to note that Father Morris [15] had also been distracted by this wandering extract. Writing of the events of May 1582, he says, 'Father Crichton carried to Rome a letter from King James;' and then follows the passage, 'Our king had so great fear,' &c. If this date was a mere guess on Father Morris's part, it was a very fair one; for at that time (May 1582), when James was a lad of fifteen, Crichton had, indeed, just returned to Paris from Scotland with letters from Lennox to the duke of Guise and the Spanish agent, and, after conference with Parsons, conveyed the plans agreed upon to Rome.

But when we have before us the context of Crichton's letter to Owen, as it was printed long ago by Tierney, it becomes clear that the writer is simply referring to James's well-known letter of 24 Sept. 1599, which Edward Drummond and apparently Crichton himself were deputed to carry to Rome. The authorship of this letter, on its publication some years later by Bellarmine, we know the king vainly attempted to deny, and charged his secretary Elphinstone, afterwards Lord Balmerino, with having fraudulently obtained his signature to it. In this letter James did not, of course, offer to restore the catholic church, but while making profession of his own protestantism he hoped to disarm the pope's hostility to his succession to the English crown by affecting a spirit of toleration and proposing in his own interests that William Chisholm, the second bishop of Vaison of that name, should be made a cardinal. But Crichton sufficiently explains the circumstances, first in this letter to Owen, and again a few years later, when he heard of the trouble in which Balmerino was involved on account of the king's denial, in a letter to Sir A. Murray. The letters, apart from the questions of James's secret negotiations with Rome, have a special interest from their marking the difference between the policy of Crichton and that of his brother Jesuit Parsons. On a former occasion Crichton had remonstrated with Parsons on the mischief

[13] Printed in Hunter-Blair's Bellesheim, iii. 449.

[14] The alleged embassy to the pope on the part of the impostor John Ogleby of Pury, in the spring of 1596, is quite another matter. But even if it can be taken seriously it is not the affair of which Crichton speaks.

[15] *Troubles*, ii. 18.

done by his book on the succession, and he now complains that the pope and Parsons, by not receiving favourably James's advances, had missed a great opportunity.

Now (he writes), since the cardinal Borghese is pope, with whom Father Parsons hath great credit, it were good that he employed his credit for the reduction of our country; but with better intelligence with us nor he had in times by-past; for, though he be of greater prudence and better discourse nor we of our nation, yet we understand better the affairs of our country nor he, and some little of England. If he had rown the same course with us, as oftentimes by word and writing I did inform him, our matters of religion had been, perhaps, in better estate nor they be at this present; for I did foretell him of the success which is presently in effect, and that no hope nor reason was that they could be otherways. Yet even he remained still in his own conceits, not to procure for an heretic, wherein I was with him; nor yet to procure for the conversion of an heretic, wherein I was against him, for then our king had so great fear of the catholics and the puissance of pope and Spain that he offered liberty of conscience and sent me to Rome to deal for the pope's favour and making of a Scottish cardinal, as I did show the king's letters to Father Parsons, and prayed him to concur at the least to give some satisfaction to our king; *but in vain*; and I returned to Avignon with much desolation, and did tell both pope and Father Parsons that *now he sought them, but being refused, the time would come that they would search him, and likewise in vain*, which now [June 1605] they experiment.[16]

In his letter to Murray, 27 Jan. 1609, Crichton is more explicit regarding the policy and mind of the king.

I have heard with my extreme dolour the extremities to which Sir James Elphinstone, president of the session of Scotland, is reduced for the letter sent to the pope and cardinals by Mr. Edward Drummond, and specially because the president is so near to you by alliance. As touching the president's confession to have sent the despatch to pope and cardinals with his majesty's consent or commandment, I will not mell me with that nor anything, what it may merit. *But because I assisted Mr. Edward Drummond in all that negotiation* (thinking it to be to the king's weal and service), and communication of all the letters that were brought for that affair, I thought it expedient to inform you of the verity of all. There was nothing wrought in that negotiation which was not thought to be for the king's majesty's service, which was to procure the bishop of Vaison's advancement to the degree of cardinal, *to the end that his majesty should have in the college of cardinals one of his true and faithful subjects to advance his majesty's service, and dash and stop that which might be to his prejudice*; and specially that they should not excommunicate his majesty, or absolve his subjects from their obedience, *as there were some at that time busy to procure it*. . . . It was not given to understand to the pope that the king's majesty was in any disposition either to come [*sic*] or favour the catholic religion, for the contrary was contained expressly in the letters . . . saying that albeit he remained

[16] Tierney's *Dodd*, iv. 153, printed from the original at Stonyhurst.

constant in that religion in which he was nourished from the cradle, yet he would not be enemy or persecutor of the catholics so long as they should remain faithful and obedient subjects unto him, *as indeed his majesty has ever done until the horrible and barbarous conspiracy of the Gunpowder.* For in Scotland to them of our order who are holden the most odious, and persecuted to the death by the ministers, he did never use more rigour nor to banish them out of the country, and constrain their parents to oblige them under pain to cause them to depart.[17]

In justice to King James, as well as to Father Crichton and that small section of his brethren who thought with him in opposition to the ultra-Spanish Jesuits, these curious letters should not have been ignored or misunderstood by the author of the 'Narratives of Scottish Catholics.'

T. G. Law.

[17] Printed by Botfield, *Original Letters*, i. 180, and fully quoted by Gardiner, *Hist. of England*, ed. 1884, i.

Napoleon and English Commerce

IN this article I shall attempt to show that the policy attributed to Napoleon of isolating Great Britain from the rest of the world was only developed by him from attempts commenced by the French revolutionists; and I shall strive to estimate, as far as materials and limits of space will allow, the relative effect of the continental system on our industrial resources, and of our orders in council on his empire.[1]

The belief that England's wealth was essentially vulnerable and artificial seems to have been one among the many causes which contributed to the hasty declaration of war against England in 1793 by the French revolutionists. The Girondin ministry, forced to follow the audacious lead of the Mountain both in regard to the king's trial and in foreign affairs, unwillingly proposed measures which would excite the war feeling against and in England. In an official speech to the convention (13 Jan. 1793) Kersaint, in transmitting to it the report of the minister for foreign affairs, uttered the following significant words:—

> The credit of England rests upon fictitious wealth; the real riches of that people are scattered everywhere. . . . Bounded in territory, the public future of England is found almost wholly in its Bank, and this edifice is entirely supported by the wonderful activity of their naval commerce. Asia, Portugal, and Spain are the most advantageous markets for the productions of English industry; we should shut these markets to the English by opening them to the world.

To this unreal wealth of England, which could be demolished by free trade under the tricolour, he opposes the solid strength of his own land: 'France stands alone on her own industry and riches.'

Brissot followed him with an exhortation to the convention to 'tear down the veil which envelops the imposing Colossus of British power;' and, later on, in a last effort to justify himself for his restless policy, that scheming politician said in the course of his speech to his constituents (22 May, 1793):—

> Throughout the whole commerce of the enemy, great opportunities

[1] This article was written independently of Captain Mahan's able work on *The Influence of Sea Power on the French Revolution and Empire*, though I refer to it in a note subsequently added.

were offered to us for its destruction, without fear of a dangerous return of similar evils upon our own commerce.

If such were the views, real or adopted, of Girondin leaders, it is unnecessary to quote the views of the Robespierres with whom the young Bonaparte was so long associated.[2]

It is interesting to reflect on the influence of Pitt's commercial treaty of 1786–7 with France, in producing the jealousy felt by the French extremists for our industrial and commercial supremacy. In the misery and turmoil of 1789–93 that treaty appeared to be the prelude of Pitt's deep-laid conspiracy to enrich England at the expense of France. At any rate, the triumph in 1792–3 of the extremists of Paris and the manufacturing north over the men of the wine-growing south, where alone that treaty had been popular,[3] had this among its many results, that in place of a commercial intercourse approximating to free trade, France rushed to the opposite extreme of commercial prohibition. The premature attempt of 1786, made under the old monarchy, and the reaction which it caused under the republic, have done much to identify in France a prohibitive or strictly protective policy with popular government. Bonaparte, in his skilful selection and use of all the Jacobinical ideas and aims which could establish his power, found none more ready to hand, none more popular, than commercial jealousy of England, and the determination to make our wealth our ruin. The land of Quesnay and Turgot reverted to medieval ideas about commerce and national prosperity. 'Never had the frenzy for prohibition been more general, more popular in France than in 1800, at the time when Napoleon took the helm of affairs.'[4] Even under the old French monarchy the principle had been adopted, in the Seven Years' War, and partially in the war of American independence, that if any British goods were found on board a ship, the whole cargo should be liable to confiscation. A decree by the French republic in 1796 subjected all ships carrying British goods to detention and seizure; and in it there was also the same detail which was revived in the Berlin decree, that what was afterwards called a 'certificate of origin' certifying that the goods were not British, was necessary to secure the ship from detention. In 1797 a decree, issued by the Council of the Five Hundred, extended this principle to the seizure of the ship conveying such goods; so that every ship laden, even in part, with British goods, was to be good and lawful prize; and it proceeded to order that no neutral vessel which should have touched at an English port, should be permitted to enter any port in the French dominions.

[2] See, too, Sorel, *L'Europe et la Révol. Française*, iii. 243–245, iv. 387.

[3] Contrast the views expressed to Arthur Young at Abbeville, Amiens, and Rouen, with those at Bordeaux (*Travels*, 1787).

[4] Mollien, *Mémoires d'un Ministre du Trésor*, iii. 314.

It is needless to say that these decrees were inoperative; but after the peace of Campo Formio (October 1797) a great genius attempted to give them and their aims world-wide application. On the day when the treaty was signed, the following reasons for the very favourable terms accorded to his beaten foe are thus assigned by the victorious young Bonaparte in a letter to Talleyrand:—

> No. 6. We have war with England: that enemy is sufficiently redoubtable. . . .
>
> No. 10. The Austrians are dull and avaricious: no people are less intriguing and less dangerous for our domestic affairs than the Austrians. The English, on the contrary, are generous, intriguing, and active. Our government must therefore destroy the English monarchy, or expect to be itself destroyed by the corruption of these intriguing and enterprising 'insulars.' The present moment offers us a capital opportunity. Let us concentrate all our activity on the marine, and destroy England. That done, Europe is at our feet.

In a previous letter to the Directory (16 Aug. 1797) he had even asserted that the Ionian Isles, which he proposed to wrest from Venice, had

> a greater interest for us [France] than the whole of Italy. . . . The Turkish empire is crumbling to pieces; the possession of these islands would enable us to support it as far as possible, or to take our share. The time is not far distant when we shall find out that in order to destroy England we must seize upon Egypt.

Leaving out of consideration the melodramatic contrast which Bonaparte's Egyptian expedition was designed to present to the prosaic and oppressive rule of the lawyers of the Directory at Paris, we may notice that his aims were such as to appeal with equal strength to those prudential and money-getting instincts of the nation, which had so long been stunted. It is true that the revolutionists had once raised the cry, *Ruinons-nous, mais soyons libres*;[5] but after this ruin had been partly accomplished by the 'bankruptcy of the two-thirds' in 1797, it seemed to be time to raise the fallen credit of the Directory by the destruction of England's eastern trade and empire. The year 1798 seemed to offer the opportunity of ruining our export trade, which had raised us to prosperity again after the disasters of the American war. Never had French arms been so triumphant as in 1795–7; never had English military prestige and commercial credit been at a lower ebb. We were reduced to what was really a paper currency. Our fleets had mutinied, and though they had regained their supremacy on the high seas, yet the treaty of Campo Formio bade fair to turn the Mediterranean into a French lake. France was supreme in north and central Italy; with Genoa and Ancona virtually hers, with the stepping stones of the Ionian Isles actually

[5] Speech of Hérault de Sechelles to the Comité du Salut Public, 2 Aug. 1793.

her own, and with an arrangement whereby the grand master had secretly bargained, even before the armada left Toulon, to place Malta in French hands, it indeed seemed that France must completely outdistance her rival in the race for empire.

The aims of the expedition were thus officially formulated by the Directory (12 April 1798) :—

> Art. 1. The general-in-chief of the army of the east will seize on Egypt.
>
> Art. 2. He will drive the English from all their possessions in the east, and above all destroy their entrepôts in the Red Sea.
>
> Art. 3. He will have the isthmus of Suez cut through, and will take all the necessary measures to insure the free and exclusive possession of the Red Sea for the French republic, &c.

Further articles order the seizure of Malta, &c.

The alarm felt in England when these projects became known, may be measured by the efforts put forth by our government in the east, and its comparative disregard of European affairs. Even after Nelson's great victory at Aboukir had averted all immediate danger, and when Bonaparte's return and Kléber's assassination had left the French forces under the unskilful Menou, we were not satisfied with leaving the French troops in Egypt as hostages to fortune; but, by a convention as questionable in its wisdom as that of Lisbon (Cintra), they were brought back to France on English ships. In the meantime we pressed on the conquest of India by our best general, while the task of aiding the second coalition was entrusted to the duke of York on the very scene of his previous failures. One contrast more will suffice to emphasise the statement that our war with France, after commencing in some respects as a war of principles, was fast degenerating into a war for the possession of markets and marine trade, like so many of the eighteenth century wars. Though the vigorous Pitt ministry left our ally Austria without any aid in the campaign of Marengo, yet the peace-loving Addington ministry pushed on the naval warfare against the armed neutrals, though nearly all Europe was thereby ranged against us. In the feverish pause which goes by the name of the Peace of Amiens, the same course of conduct is noticeable. The Addington ministry made no timely protest against Bonaparte's schemes of intervention and aggrandisement in Europe. It had secured two more colonial markets, Trinidad and Ceylon. British power in India had been consolidated by the overthrow of Tippoo Sahib.

Historians have endlessly discussed the diplomatic and technical disputes which led to the rupture of the Peace of Amiens, almost to the exclusion of commercial considerations. It is, however, capable of proof that these were the underlying causes contributing to that rupture. It was a matter of the first importance for England to have as many markets as possible open for her goods. The

recent application of steam to machinery had brought about an immense increase in the output of cotton and woollen goods, and of hardware. Thenceforth factories were no longer confined to river valleys, they were independent of water as the motive power, and could be worked with greater economy and regularity wherever coal was cheap. It is further noteworthy that the year of the rupture saw the introduction of Cartwright's power-loom into actual use, and that its immediate effect in increasing and cheapening production may be seen in the riots of the hand-loom weavers in 1805–6, and of the Luddites in 1811–12. With political and commercial peace it was certain that our export trade would increase by leaps and bounds. We were clearly ahead of all other nations, and the world was becoming more and more dependent on us for a supply of cheap and excellent manufactures; but the fact that our productive energy was so rapidly increasing might be made the source of commercial ruin and social disaster, if the markets were closed against us. The peace of 1802 had been of slight benefit, for we restored the Cape, Martinique, Tobago, St. Lucia, and Minorca. The total tonnage of ships cleared outwards from the United Kingdom in the year of peace 1802 showed a decrease from the year of war 1801.[6] This was because the year of nominal peace was a year of commercial war. It was at once seen that the commercial policy of Bonaparte was to be the same as that adopted by the Terrorists of 1793.

He did not veil his intention rigidly to exclude Great Britain from all communication, political or commercial, with the continent of Europe, and enforced, with unexampled rigour, the decrees of the most furious of the revolutionary governors of France, which tended to prevent the reception into the territories of the republic of any article of the growth or manufacture of Great Britain.[7]

Our envoy in Paris, Mr. Merry, in an interview with M. Talleyrand, remarked that:—

The relative situation, hitherto, of the two countries, especially in regard to trade, afforded his majesty's subjects no room to reap the advantages common to, and always expected from, a state of peace. . . .[8]

Among the instructions given to Lord Whitworth (10 Sept. 1802), No. 12 is as follows:—

[6] In 1801, 1,958,373 tons; in 1802, 1,895,116 tons; in 1803, 1,788,768 tons. Cunningham's *Growth of English Industry and Commerce*, Appendix C, p. ii.

[7] *Reflections on the Causes of the present Rupture with France*, by John Adolphus, Esq., 1803, London. The writer gives a case of the 'Fame' packet, from Southampton to Jersey, obliged by stress of weather to put into Cherbourg, which was confiscated under Robespierre's law of 24 March 1794. Mr. Merry in vain protested against the continued operation of this law, which forbade ships of less than 100 tons coming within four leagues of France, if they had prohibited (*i.e.* British) goods on board.

[8] Despatch of 17 June 1802.

You will make our interest in commerce an object of your constant attention, and will take an early opportunity to enter into discussion with the French government upon such matters arising out of the late definitive treaty of peace as may require speedy adjustment, and which may hereafter lead to arrangements of a more extensive nature for the mutual advantage of the two nations.

Nor was the First Consul's policy of prohibition applied only to French territory. Every annexation or extension of French influence in north and central Italy restricted the area of British trade, and that too with regions which were necessary to supply our silk manufacturers with their raw material. French garrisons held Switzerland and Holland, and thus were able to impede or divert our trade with western Germany. The expedition to San Domingo again secured to France the possession, for a time at least, of an island which was then considered to be worth all the other West Indian Islands; and the politic exchanges, by which the young Spanish grand duke of Parma became king of Etruria, promised to restore the vast district of Louisiana to its earliest explorers and settlers. In fact, the year of peace effected as much for French aggrandisement as any year of the past war had done, and British commerce was more threatened than ever before.[9]

That the Addington cabinet, which, in its desire for peace, had neglected to lodge any effective protest, was at last alarmed at the prospects of commercial strangulation, is clear from all the despatches.[10] We may cite part of the letter addressed from Paris by Lord Whitworth to Lord Hawkesbury, 27 Dec. 1802:—

> A project is now on foot, and is expected soon to be carried into effect, of uniting the Ligurian to the Italian republic, by which he [Bonaparte] will acquire another port in the Mediterranean, and, what is the great object of his policy, the means of limiting the intercourse between his majesty's dominions and the continent.

But it was undoubtedly the mission of Colonel Sebastiani to the Ionian Isles, Tripoli, and Egypt, which had the effect—an effect probably intended by the French government—of making the English government cling to Malta. The commercial significance of that mission in irritating the English government has

[9] Bourrienne remarks, vol. ii. chap. xx.: 'The consular decrees made conquests more promptly than the sword.' He adds: 'She (Great Britain) was alarmed at our internal prosperity, and at the impulse given to our manufactures.'

[10] In the secret and confidential instructions to Lord Whitworth (14 Nov. 1802), after instructions to complain of the annexations of Piedmont, Parma, Elba, and the occupation by French troops of the Helvetian and Batavian republics, contrary to the terms of the treaty of Lunéville, there is the sentence:—'(That) this is an obvious violation of the independence of the Batavian republic, and (that) his majesty has a peculiar right to interpose on the present occasion, as he consented to make numerous and most important restitutions to the Batavian government in the treaty of peace, on the consideration of that government being independent and not being subject to any control.' *England and Napoleon*, edited by Mr. Oscar Browning.

hardly been sufficiently emphasised. No review of the evidence as to the causes which contributed to the rupture can be considered complete which omits to take notice of that mission, and still more of the official report on it, which appeared in the *Moniteur* of 30 Jan. 1803. The commercial news in this memorable report consists of two brief statements that the commissaries of French commerce had arrived in Egypt; but the significant sentences are those which set forth the weak state of the Anglo-Turkish army of occupation in Egypt, that 'a great misunderstanding reigns between General Stuart and the Pacha,' that the fortifications are dilapidated, and that 'six thousand French would at present be enough to conquer Egypt.' With respect to the Ionian Isles, which, by Article ix of the treaty of Amiens, were to constitute an independent state—'the Republic of the Seven Islands'—the report of Colonel Sebastiani declares:—

> I do not stray from the truth in assuring you that the islands of the Ionian Sea will declare themselves French as soon as an opportunity shall offer itself.

The publication of this report in the *Moniteur*, when the relations between England and France were already strained, had a most irritating effect. The policy of 1798 was evidently to be renewed on the first opportunity. If we lost our hold on Malta, there would be nothing to prevent a French occupation of Egypt, and possibly a completion of the ship-canal, while the alternative route, that *viâ* the Cape, was no longer as in 1798 in our hands, but was dominated by the Batavian republic, that is, by France. With both routes to the east in hostile hands, our recent gains in India and Ceylon would be worthless, and our trade with the east would be doomed. In self-defence the British government must prevent both routes falling into the power of the French. Egypt had already been evacuated,[11] and the Cape was again held by the Dutch. The only possible alternative for us was to hold Malta, urging in excuse that several of the conditions of evacuation had not been fulfilled. The technical reasons alleged for the postponement of the evacuation were of course little more than verbal quibbles, but the real facts which determined the retention of Malta were that the Cape and Egypt had been by that time evacuated by us.[12] The close connexion between Colonel Sebastiani's report and our retention of

[11] The despatch of Lord Hawkesbury to Lord Whitworth, of 28 Feb. 1803, states: 'There cannot be the least doubt that Egypt is at this time evacuated.'

[12] Colonel Sebastiani's report could not have appeared more opportunely for Bonaparte's plans than when it did, if he had designed to make our retention of Malta the pretext for another war. Lord Whitworth's despatch of 27 Jan. 1803 opens as follows: 'Colonel Sebastiani returned unexpectedly two days ago, and came from Genoa with a degree of expedition which might give reason to believe that his business was very urgent.'

Malta is proved by the Downing Street despatch of 9 Feb. 1803 to Lord Whitworth:—

> His majesty cannot therefore regard the conduct of the French government on various occasions since the conclusion of the definitive treaty, the insinuations and charges contained in the report of Colonel Sebastiani, and the views which the report discloses, without feeling it necessary for him distinctly to declare that it will be impossible for him to enter into any further discussion relative to Malta unless he receives a satisfactory explanation on the subject of this communication.

If we turn to the words which Napoleon, in the absence of Lord Whitworth, let fall at the ambassadors' audience (1 May 1803), we find a frank avowal of the importance of commercial rivalry in producing the rupture. Speaking of the English ministers he said:[13]—

> They want to make us jump the ditch, and we'll jump it. How could a nation of forty millions consent to let another nation lay down the law for it? The independence of states must come first: before liberty, and before the prosperity of trade and manufactures. . . . To accept a modification of the treaty of Amiens is to accept the first link of a chain which will afterwards lengthen out, and will end by our complete subjection, by a treaty of commerce such as that of 1785 [he meant that of 1786–7], and in short, by the return of a commissioner to Dunkerque. Let us cede Malta, and to-morrow our vessels will be insulted, our ships will be forced to salute those of the English, [illegible] to endure a disgraceful inspection. We shall, no doubt, have an ardu[illegible] beginning; we shall have to lament losses at sea, perhaps even the loss of our colonies;[14] but we shall be strengthen[illegible]on the continent. We have already acquired an extent of coast that makes us formidable; we will add to this, we will form a more complete coast-system, and England shall end by shedding tears of blood over the war she will have undertaken.

In Napoleon's correspondence we find the same views.

> If, besides the important possession of Gibraltar, England desired to preserve any other in the Mediterranean, that would be to publish openly the design of uniting the commerce of the Mediterranean to her almost exclusive trade with the Indies, with America, and the Baltic; and of all the calamities which can overtake the French people, there is none comparable to that.[15]

So in a letter of 21 July 1806 to the king of Naples he desires his strenuous assistance in helping him to be master of the Mediterranean—*but principal et constant de ma politique. Mais il faut pour cela que les peuples paient beaucoup.*[16]

It would be a barren and useless task to recapitulate the last stages in the rupture of negotiations and the demand for that com-

[13] *Mem. of Miot de Melito*, vol. i. chap. xiv. (Eng. ed.).

[14] He had a day or two before, by a secret convention, sold Louisiana to the United States for 3,200,000*l.*

[15] *Corresp. de Napoléon*, viii. 618.

[16] *Ibid.* xiii. 700.

pensation which Bonaparte had once before recognised as a set-off to his aggrandisements.[17] Enough has been said to show that commercial jealousies and fears were without doubt the chief cause of the war, and that Bonaparte was still imbued with the old Jacobinical idea that England would be reduced to beggary if her chief markets were closed against her. But we may observe how he extended his 'coast system,' and then finally why that system failed and involved him and his empire in disaster.

At the consular court parallels were drawn between the war then renewed and those of Rome and Carthage, and the moral was pointed against the modern Carthage. In one sense the parallel was correct. At no one time of the great struggle was the British government so concerned about the struggle in Europe as to assert our dominion on the high seas, and keep open at any rate our trans-oceanic markets. While Napoleon's legions were lining the cliffs of Boulogne, ostensibly for the leap across the ditch, our government kept Sir Arthur Wellesley in India to consolidate his conquest of the Mahrattas; and he did not set foot on our shores until September 1805, when the danger was over. Napoleon afterwards declared to Metternich:[18] 'The army assembled at Boulogne was always an army against Austria. . . . You saw in 1805 how near Boulogne was to Vienna;' and it is highly improbable that when his empire was so ill-established he would have ventured on an invasion of England.[19] His plan was probably to exhaust us by

[17] Secret and confidential instructions to Lord Whitworth, 14 Nov. 1802, *England and Napoleon*, p. 7.

[18] *Metternich's Memoirs*, i. 48. Eng. ed.

[19] I am not convinced that Napoleon seriously intended to invade England, even by the able arguments brought together by Captain Mahan, *Influence of Sea Power*, ii. 112-114. For (1), granting that Napoleon's words to Metternich and the far more important words to Bourrienne (vol. ii. chap. xxii)—which Captain Mahan does not quote—must be interpreted by facts, the facts prove that the flotilla could not sail in one tide, nor without the greatest risk. (2) Captain Mahan admits that, even if the Brest and Rochefort squadrons got out, we had enough ships at Spithead and the Downs to make a landing highly dangerous. (3) The Egyptian expedition was a warning against any further attempts made in disregard of our naval supremacy; besides, in 1798 Bonaparte had to complete his renown; in 1803-5 he had everything to lose from a rash attempt. Miot de Melito, vol. ii. chap. iv., speaks of the 'consternation' at Paris when it was rumoured that the attempt was to be made. (4) If Marmont, Ney, and Davoust believed that it would be attempted, Decrès, Bourrienne, and Miot de Melito disbelieved it. (5) In the memoirs dictated to Montholon (iii. 385), Napoleon said: 'Of all the means that could be proposed for annoying the enemy in this contest, none could be invented that would be less expensive to France, and more disastrous to England.' The same disbelief in the invasion was widespread in England. In a pamphlet, *Britain independent of Commerce* (London, 1808), the author, Mr. Spence, says, *ad init.*:—'It was common to hear those who disbelieved that he (Bonaparte) would make the attempt, reason in this way—"Buonaparte knows what he is about. He will never invade us; but by putting us to vast expense in precautionary preparations, and at the same time by stopping up almost every channel of our commerce, he is aware that he is doing us the most serious injury possible; and if he succeeds in cutting off our trade, God knows he will soon effect our ruin."' I think it inconceivable that after Austria's

making us keep on foot a great array of regulars, militia, and volunteers, while he extended his 'coast system.' He had before the rupture required (11 March 1803) the king of Spain to strengthen his navy, and ended with the statement: 'England is not asleep: she is always on the watch, and will not rest until she has seized upon all the colonies and all the commerce of the world. France alone can prevent this.' The English ministry played into their astute enemy's hands by regarding the secret payment of a Spanish subsidy to France in pursuance of the convention of 1798 as an act of hostility; and the seizure of the Spanish treasure ships by our men-of-war ranged Spain against us from 1804 to 1808. After Austerlitz the 'coast system' was extended throughout the whole of Italy, as well as Istria and Dalmatia. When Prussia had swallowed the bait of Hanover, she was, by a modification of the treaty of 15 Dec. 1805, required to exclude English goods from all Prussian territories. Again our government acted promptly where naval and commercial interests were concerned. It declared the coast between the Elbe and Brest entirely closed to the trade of neutrals; and on April 4–6 it laid an embargo on Prussian ships in British waters. Hanover and the 'coast system' had separated us from a state which ought to have been our ally.

For the time it appeared that our government was as hostile to Prussia as to France. Negotiations for peace were begun between Fox and Talleyrand; and in the first important letter sent by Talleyrand (1 April 1806) he writes:—

> The very instant that I received your letter of March 26, I waited upon his majesty, and, I am happy to inform you that he has authorised me to send you, without delay, the following answer: The emperor covets nothing that England possesses. Peace with France is possible, and may be perpetual, provided there is no interference in her internal affairs, and that no attempt is made to restrain her in the regulation of her custom duties; to cramp her commercial rights; or to offer any insult to her flag. . . .
>
> The emperor does not imagine that any particular article of the treaty of Amiens produced the war. He is convinced that the true cause was the refusal to make a treaty of commerce, which would necessarily have been prejudicial to the manufactures and the industry of his subjects.[20]

neglect to recognise his imperial title, and the changes in Italy, Napoleon should have seriously proceeded with a scheme which would have left France and Italy open to Austria, as in 1798–9. As a blind, the Boulogne scheme was still the best conceivable. Miot de Melito, ii. 114 (Eng. ed.), is conclusive on this point.

[20] What this meant is shown in the following words of Napoleon (4 March 1806): 'Forty-eight hours after the peace with England, I will prohibit foreign wares, and I will promulgate an Act of Navigation, which will allow the entry of our ports only to French ships, built with French wood, manned by a crew two-thirds French. Coal itself, and "les milords Anglais," shall only land under a French flag. There will be many protests, because there is a bad feeling in French commerce, but six years after there will be the greatest prosperity.' (*Opinions et Discours de Napoléon au Conseil d'État*, p. 239.)

He proceeds to state that a temporary truce would be most inconvenient for France, inasmuch as she has accustomed herself to a state of war, and her commerce and her industry *se sont repliés sur eux-mêmes*. Into the unreal negotiations which ensued it is not necessary to enter, further than to point out that the promised restoration of Hanover to George III was a convenient means in the hands of the French of precipitating a rupture with Prussia whenever they desired; and though the principle of *uti possidetis* was in general admitted at the outset, yet General Clarke demanded for France the retrocession of Pondicherry, St. Lucia, Tobago, Surinam, Goree, Demerara, Berbice, Essequibo, and that there should be at the Cape a port free to all nations.[21] After the Czar had indignantly repudiated the separate treaty into which his envoy, M. d'Oubril, had been lured at Paris, there was no need of prolonging the negotiations. Prussia and Russia were overthrown by Napoleon at Jena and Friedland; and by the Berlin decrees and the treaty of Tilsit, the 'coast system' became the 'continental system.'

The Berlin decree (21 Nov. 1806) declared the British Isles in a state of blockade, ordered that all English subjects, goods, and letters in any country occupied by French or allied troops should be seized, and a moiety of the confiscated property be appropriated to French and allied merchants to indemnify them for the losses they had sustained from English cruisers. Article 7 runs thus:—'No ship which comes directly from England or the English colonies, or which shall have been theirs, after the publication of the present decree, shall be permitted to enter any of our harbours.' The first of the English orders in council (7 Jan. 1807) states in the preamble that in answer to the French orders—

> which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with his majesty's dominions, . . . [his majesty] feels himself bound by a due regard to the just defence of the rights and interests of his people, not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice. His majesty is therefore pleased . . . to order—that no vessel shall trade between ports from which British ships are excluded, and if any vessel, after being warned, shall be found continuing her voyage, she may be condemned as lawful prize.

But this was mere stage thunder to what followed. The order in council of 11 Nov. 1807 states that the previous order of 7 Jan. had

> not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose with effect, to

[21] Despatch from the earl of Yarmouth to Mr. Secretary Fox, dated Paris, 24 July 1806.

obtain their revocation, but, on the contrary, the same have been recently enforced with increasing rigour;

and therefore all ports from which the British flag was excluded, were to be considered in a state of blockade:

all trade in articles which are of the produce or manufacture of the said countries or colonies shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandise on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured, and condemned as prize to the captors.

This was even extended to neutral ships carrying 'certificates of origin' that their goods were not British. The second order in council of 11 Nov. 1807 uses the powers granted by the statute 48 George III, ch. 153, for suspending the Navigation Act during the war, to further order that the goods, wares, &c., named therein

may be imported from any port or place belonging to any state not at amity with his majesty, in ships belonging to any state at amity with his majesty, subject to the payment of such duties, and liable to such drawbacks as are now established by law upon the importation of the said goods, wares, or merchandise, in ships navigated according to law; . . . and the same shall be reported for exportation to any country in amity or alliance with his majesty.

The third order in council of the same date forbade a transfer or pretended transfer of a ship to neutrals, and any ship so transferred was to be lawful prize.

The bombardment of Copenhagen, the seizure of the Danish fleet, and this set of orders in council constituted a retort to Tilsit and the seizure of Swedish Pomerania. As the land power of our great foe increased, so our government strained all the forms of maritime law to bursting.[22] Without stopping to point out that in the second order of 11 Nov. the prohibition of all articles of foreign growth was inconsistent with 43 George III, ch. 153, which only prohibited certain enumerated articles (as those of Muscovy), it is more to the point to notice that this very order led to the following French decree of 26 Dec. 1807:—

Observing the measures adopted by the British Government on Nov. 11 last, by which vessels belonging to neutral, friendly, or even powers allied to England, are made liable, not only to be searched by English cruisers, but to be compulsorily detained in England, and to have a tax laid on them of so much per cent on the cargo to be regulated by the British legislature . . . (it was therefore decreed that) all ships which

[22] The national shame at the Copenhagen affair is well expressed in an able anonymous pamphlet, *Orders in Council* (London, 1808): 'There remained one deed of shame to do, which should for ever blast our reputation in the face of the world, and leave us not merely surrounded with dangers, and oppressed with misfortune, but deprived of courage to face the one, and fortitude to bear the other' (p. 64).

had submitted to the British rules were denationalised, and good and lawful prize: and every ship sailing from or to England or any of its colonies or lands occupied by its troops was good and lawful prize.

But the present decree was not to apply to powers who made the English respect their flag, and was to be abrogated 'as soon as the English abide again by the principles of the law of nations.'

The hint contained in this decree was hardly needed to fire our American kinsmen with indignation against the claims put forth in the second order in council of November 1807. It seemed to them a direct challenge to all neutrals that had any self-respect, a challenge thrown down with a recklessness characteristic of our naval policy towards the Armed Neutrality Leagues in 1780 and 1801, towards Spain in 1804, and towards Denmark in 1807. There is indeed room for belief that the policy of the orders in council was an attempt, not merely to retort on our enemies the evils of their own injustice, but also to crush neutral commerce, and establish a complete maritime monopoly. That course had been almost avowedly urged in the able and vigorous pamphlet, 'War in Disguise, or the Frauds of the Neutral Flags.' It pointed out the harm resulting to our commerce from the relaxation in 1798 of the rule of 1756, so that henceforth

> European neutrals might, without being liable to capture, . . . bring the produce of the hostile colonies directly from thence to ports of their own country; and either these or the citizens of the United States might now carry such produce directly to England.[23]

The pamphlet reviews the results of these 'costly indulgences' to our commerce, as also, with little variation, after the renewal of war in 1803. Re-exportation enabled the neutrals to carry French colonial goods, with small delay, to France. The American ports were found especially convenient for neutrals to call at, and thence sail direct for France or Holland;[24] so that these powers had by 1805 ceased to trade under their own flags:—

> With the exception only of a very small portion of the coasting trade of our enemies, not a mercantile sail of any description now enters or clears from their ports in any part of the globe, but under neutral colours. . . . They supplant or rival the British planter and merchant throughout the continent of Europe, and in all the parts of the Mediterranean. They supplant even the manufacturers of Manchester, Birmingham, and Yorkshire; for the looms and forges of Germany are put in action by the colonial produce of our enemies, and are rivalling us by the ample supplies they send, under the neutral flag, to every part of the New World.[25]

This last statement, obviously an exaggeration, coupled with the

[23] *War in Disguise* (London, 1805), p. 23.
[24] *Ibid.* p. 44. [25] *Ibid.* pp. 71, 73.

undeniable fact that the average insurance for neutrals at Lloyd's Coffee House was one per cent. less than for our own merchantmen, led to a clamour that our government would recur to the old rule of 1756 in all its severity. The Pitt and Grenville ministries resisted this, rightly considering that our manufacturers benefited by having the safe method of exporting their goods under neutral flags; but after the Berlin decree the clamour of our shippers and colonial merchants, backed up by popular indignation at Napoleon's continental system, carried the day; and the Portland ministry imposed in November 1807, as we have seen, the most stringent naval code ever promulgated by a civilised government. As a retort to the Berlin decree it was excessive. It was like answering a blank cartridge with a double-shotted cannon. Of its harshness and illegality there can be little question. Instead of merely preventing neutrals trading with France, it sought to compel all neutral commerce with Europe to pass through our ports, and thereby subject it to confiscation by the French. But even this did not satisfy the demands of some British West Indian planters, who had been hard pressed by the competition of Havannah sugar and other goods carried in American bottoms to Europe. One of them complained that our government had not in 1806 chosen to avail itself of the fortunate opportunity of going to war with America.[26] The commerce of the United States had, it is true, prospered immensely from the fact of their being after 1807 almost the only neutrals in the world-wide conflict; but now they were severely injured by the new policy and retaliated by placing an embargo on all vessels in their ports, December 1807; and later on, when equally harassed, for a time, by French naval decrees, they passed their famous Non-Intercourse Act of March 1809. Doubtless Napoleon had counted on the irritation which his naval decree had aroused in England, to precipitate the rupture between her and the United States. In an official note of 24 Oct. 1806 the French minister of marine, Decrès, had assured the envoy of the United States that the Berlin decree did not alter the relations between France and United States shipping; and it was not till the French decree of 26 Dec. 1807 (in answer to ours of 11 Nov. 1807), that the relations between France and America were temporarily strained. Napoleon, even in 1806, counted rightly on the severity of our naval policy leading to a rupture between us and our kinsmen.

By 1809 Napoleon had achieved remarkable success in his attempts to strangle British trade, but for some important exceptions which will be considered presently. He had by the close of 1809 included Denmark, Sweden, Austria, and for a time Turkey, in his

[26] Letter by Mr. Bosanquet on the Causes and Depreciation of West India Property, p. 42.

continental system; while the British naval policy had lost us our reputation at Copenhagen and the important market of the United States. The manufacturers of Lancashire and Yorkshire had, up to 1808, not organised any opposition to the new orders in council, but on 1 April 1808 important petitions from London, Liverpool, and Manchester were presented to the House of Commons and supported by a great speech of Henry Brougham. The petitions showed—

> That the annual value of British manufactures, exported to the United States of America, exceeds ten millions sterling, and that, as our consumption of produce of that country falls far short of that amount, the only means of paying us must arise from the consumption of the produce of America in other countries, which the operation of the orders in council must interrupt, and in most cases totally destroy. . . .
>
> That by the destruction of the neutrality of the only remaining neutral state, all possibility of intercourse with the rest of the world being removed, trade cannot possibly be benefited, but must necessarily be annihilated.

The evidence adduced by the merchants in support of their petition shows that the Berlin decree alone had not much affected the commerce between England and Holland or Spain,[27] and that even in France the decree had not been observed, for not one neutral ship had been condemned as a prize, though several had been detained. Another merchant, Mr. Glennie, stated that his remittances from the continent had increased between October 1806 and November 1807 over the previous totals for similar periods;[28] while the Berlin decree alone had not caused a rise in insurance rates on neutral ships clearing out from England to the continent. It was further contended that the orders in council were the cause of ruin to our commerce. Of the 12,856,551*l.* which had represented the gross value of our exports in 1806 to the United States, only about 4,000,000*l.* ever came back *directly* as payment; the balance of the debt was made up by the exports of those states to the continent; and it was precisely this trade which the orders in council would stop and therefore prevent any adequate payment for English goods sent to the states.

> While the orders in council continue, you must continue to be cut off from receiving remittances, and . . . you are consequently, with your own right hand, cutting off, by two-thirds, your vast traffic with America.[29]

As a result of the complaints of our merchants and manufacturers, and probably, also, of the retaliatory measures of the United States, our orders in council were in April 1809 modified. The total

[27] On pp. 52 and 53 of the evidence a Dutch letter dated 22 Sept. 1807 states that 'ships touching in England are received here as before;' and 'Prices meantime seem at their level, without some new difficulty or broil.'

[28] Evidence, pp. 23 and 65.

[29] Lord Brougham's speech, 1 April, 1808.

blockade of the French and allied states was abandoned, but a still more rigid blockade was enforced by us on France, Holland, North Italy, and part of North Germany. We shall notice presently how our government and that of Napoleon secretly mitigated the harshness of their systems.

The petition above quoted, and also the pamphlet literature of the year 1808 shows the discouragements and exhaustion of our country. In an able 'Inquiry into the Causes and Consequences of the Orders in Council' (February 1808), the author, Alexander Baring, M.P., speaks thus of Napoleon's power:—

> A union which the world never before saw, of irresistible force with the most consummate art, is employed to rear this gigantic fabric, while the total destitution of energy and genius on the other side, appears to exhibit, by such an unusual concurrence of circumstances, the hand of Providence in this extraordinary revolution.

This criticism of our government, which has been endorsed by most subsequent writers, seems natural after its failure to help our allies in the Eylau-Friedland campaign; but it is questionable whether our government was not, on the whole, justified in waging war on commercial rather than military considerations. Seeing that Napoleon was aiming at hermetically sealing up all foreign markets against us, was it not a measure of self-preservation that we should endeavour to burst through it wherever possible, in Sicily, Turkey, Egypt, or Buenos Ayres? In a military sense these expeditions were of little use; and certainly they offered the most signal contrasts to Napoleon's masterly concentration of power; but his policy had gradually driven us to make war for commercial purposes; and there is evidence that our expedition to Buenos Ayres, though of no ultimate service, yet at the time of its first success was highly popular at home.[30] The same Carthaginian view of warfare was noticeable in the vigour with which all the French and Dutch colonies were occupied in 1806–9; while our government regarded subsidies and occasional supplies of arms as a sufficient contribution to the wars in Central Europe.[31]

It is difficult to see how, even with the command of the seas and

[30] 'Thus the recent conquest in South America has been valued, not on account of any military glory which has been gained, not because its acquisition has done any serious injury to our enemy, but because the vivid imaginations of all ranks of people picture in its possession an extensive mart for broadcloth and for hardware.' (*Britain independent of Commerce*, by W. Spence, F.L.S., p. 3.)

[31] The expensive expedition against Antwerp set out from our shores *after* Austria had agreed to the armistice of Znaim. Evidently the English aim was not only to make a diversion in favour of Austria, but to seize the great naval and mercantile depôt, which was then rising under Napoleon's hands. The position of Wellington in Spain was not altogether unlike the relation of Hannibal in Italy to the Carthaginian government. Wellington was more than once told by the Perceval ministry in 1809–10 that the whole responsibility of failure must rest on his own head. (Napier, book x. chap. iv.)

of the hostile colonies, England could long have survived the strain of the years 1807–8, had not Napoleon's Spanish blunder in the latter year opened to us a profitable commerce with South and Central America, and with some ports of the Iberian peninsula. The Portuguese colonial system had hitherto restricted our commerce with Brazil; but after the flight of the Portuguese regent to Brazil had removed the nominal government thither, the commercial friendship which had existed between the house of Braganza and England ever since the Methuen treaty of 1703 allowed a free trade with Brazil. The opening of the markets of Central and South America staved off impending bankruptcy from our merchants and manufacturers. Most of those markets had long been deprived of cotton, woollen, and hardware goods, by our own cruisers; and now our merchants seized the golden opportunity of commerce with lands never before open to them. The stocks stored up at home for many a weary month were flung on the new markets, so that British and Irish exports, which had sunk in 1806, 1807, 1808 from 40,874,000*l.*, to 37,245,000*l.*, and 37,275,000*l.* respectively, reached in 1809 the extraordinary amount of 47,371,000*l.*, and in 1810, 48,438,000*l.*[32]. But this speculative mania brought a sharp relapse in 1811. In the monthly commercial report of January 1811 it is stated that

> confidence in the commercial world seems nearly at an end. . . . In Lancashire the cotton manufacturers appear . . . to be greatly distressed, and business quite at a stand. In Manchester and other places, houses stop not only every day but every hour. . . . The trade of Birmingham, Sheffield, &c., quite at a stand, and no orders for execution there, except a few for our home consumption.

It is true that this was proved by a parliamentary inquiry to be the result of rash speculation whereby many of our goods exported to South America had to be there got rid of at a loss of twenty per cent.; but such an excess of speculation was certain to result whenever Napoleon's continental system broke down in any part. The outlet was sure to be choked by an excessive export trade.

The year 1811 must be regarded as the crisis of the commercial struggle between us and our mighty antagonist. Machinery was ever increasing our productive power at home, and was displacing hand labour. Work was scarce, and bread was dear after the bad harvests of 1810 and 1811. The year closed with the Luddite, or frame-breaking, riots in the Midlands, which spread into the north in 1812.[33] The introduction of machinery had greatly lowered the wages of cloth workers. Gaskell in his 'Artisans and Machinery'

[32] Porter, *Progress of the Nation*, p. 357.

[33] 'The system of terrorism which prevailed had deeply impressed the committee.' ('Report of the Secret Committee of Inquiry,' 8 July 1812.)

(London 1836) gives the prices for weaving a piece of cloth as follows.

		s.	d.
In 1795	. . . . .	89	9
„ 1800	. . . . .	25	0
„ 1810	. . . . .	15	0

But this saving of cost, though ruinous to the hand-loom weavers, was the salvation of the country at this crisis. It counteracted the increase of expense in importing our cloth goods into the continent by smuggling, by devious routes, or by the licenses, which, after 1808, both our government and that of Napoleon secretly granted to traders in violation of their fiscal codes.

Probably in no other stage of our industrial development could we have survived the application of Napoleon's continental system. At an earlier time we should have been crushed by the weight of combined Europe, wielded by so powerful an arm as Napoleon's; in our present conditions we should be subjected to imminent risk of starvation: but in 1803–12 the relations of our industry and agriculture to our population rendered us at once necessary to Europe, and self-sufficing at home. Malthus, writing in 1803–6, hinted at this.[34]

> A country in which in this manner agriculture, manufactures, and commerce, and all the different parts of a large territory, act and react upon each other in turn, might evidently go on increasing in riches and strength, although surrounded by Bishop Berkeley's wall of brass.

The mistake of the French government from 1793 onwards, was in imagining that we were *solely* dependent on foreign trade. At that time we had two vast reserves of land power at home—improved agriculture, and the factory system. The improvements in farming brought about by inclosures had doubled the yield of corn and the weight of the fleece; and these inclosures of common wastes and common fields were stimulated by the high prices of the war period, until in ordinarily good years like those of 1802–1807, home-grown corn nearly sufficed for our increasing population.[35] The changes in fashion from silks and satins to muslins, cottons, and woollens made at home, relieved us from dependence on the continent for our clothing. Another vast source of wealth in a war period was that we no longer depended mainly, as of yore, on our carrying trade and on the export of our corn. We now had, thanks to the introduction of machinery, as a chief source of our

[34] Book iii. chap. x.

[35] In a pamphlet on our Agriculture, the author, Mr. Preston, M.P. (London, 1814), points out that the improved breeds of cattle and sheep were ready for the market much sooner than would have been possible with the old breeds. 'With *six-year-old* oxen and *four-year-old* sheep as the only stock to the market, this country would have been totally unequal to produce a supply adequate to the demand, and the war must have been closed from physical inability to continue it.'

wealth, the export of cotton, woollen, muslin goods, and hardware, i.e. of goods of small bulk, but of high value, which were therefore peculiarly adapted for secret importation into Napoleon's states. These English goods had cut the ground from under French goods in France in 1787–1793. The years since 1793 had prevented any great industrial development on the continent,[36] such as had transformed England into a manufacturing country.

In the critical years 1808–1811 the continent was being more and more deprived by English cruisers of the raw materials, the dyes, &c., necessary for manufactures. And therein lies the justification of our orders in council. The English ministry knew that our export trade would be injured by the destruction of neutral commerce; but after Tilsit its aim was to establish a maritime monopoly, whereby the continent might be starved into revolt against Napoleon: and so it happened. The continental blockade strangled the continental system. Lenoir and Richard had in France sought to imitate our cotton manufacture. When the supply of raw cotton was cut off by our cruisers, an effort, supported by the French government, was made to grow cotton in South France and Italy; but such an artificial attempt utterly failed to meet the wants of a continent; and the prize of a million francs, offered by Napoleon for the best machine to spin flax, could not be awarded. In spite of the impulse given to weaving by the inventions of Jacquard, the productions of the French empire were not equal to the demand. Hence the paramount necessity of having British goods even for clothing the French army. Bourrienne, sent by his master, as French envoy to Hamburg, to enforce his decrees, saw that the continental system would provoke a general reaction against him. 'The hurling of twenty kings from their thrones would have excited less hatred than this contempt for the wants of nations.'[37] He proceeds to show that the wants of a continent and even of the French service led to the constant infringement of the system by private licenses sold to the wealthy.

> I have mentioned that I received an order from the emperor to supply fifty thousand cloaks for the army. . . . The emperor gave me so many orders for army clothing that all that could be supplied by the cities of Hamburg, Bremen, and Lübeck, would have been insufficient for executing the commissions. I entered into a treaty with a house in Hamburg, which I authorised, in spite of the decree of Berlin, to bring cloth and leather from England. Thus I procured these articles in a sure and cheap way. Our troops might have perished of cold, had the continental

[36] After the financial depression of 1805 in France, Napoleon ordered a great exhibition of industry to be held in front of the Invalides. In the *Exposé de la situation de l'Empire en* 1806, he exclaimed: 'Le moment de la prosperité est venu; qui oserait en fixer les limites?' But the industrial progress was slow. Not till 1812 was steam applied to spinning, at Mühlhausen.

[37] Bourrienne's *Memoirs*, vol. iii. chap. v. (Eng. ed. 1831.)

system, and the absurd mass of impracticable decrees relative to English merchandise, been observed.[38]

The ultimate dependence of the continent on English ships for colonial produce was an equally powerful factor in the reaction of 1812–14 against Napoleon. Even in the celebrated pamphlet of M. Hauterive, 'De l'État de la France à la Fin de l'An VIII,' there was a long official diatribe against our colonial monopoly, and a charge that we had fostered the taste for sugar, tea, and coffee, as a means of establishing our commercial monopoly on the needs of Europe. By 1809 the monopoly existed as a terrible fact for the Napoleonic states. The successes of Napoleon and his marshals on land, and the consolidation of our empire of the seas, further differentiated the land and sea powers; and Napoleon, after giving orders to Masséna to 'drive the leopards into the sea,' promulgated those decrees of Trianon, St. Cloud, and Fontainebleau (August to October 1810), which, more than any others, led to his overthrow. In these he acts on the supposition that all colonial products hailed from English colonies. It was as impossible as it was undesirable altogether to exclude colonial products; but, in order to strike a blow at our colonies and commerce, as well as for fiscal and 'protective' reasons, he imposed duties on such products, averaging about 50 per cent. *ad valorem*. The warfare against English manufactures culminated in the Fontainebleau decree of 19 Oct. 1810, which decreed that English goods were to be burnt throughout the French and protected lands. At this same time he had excluded American ships,[39] and it was not till too late that he recurred to a more lenient policy towards the only important neutrals. Continental industry from 1810 to 1812 was rolled in on itself.

Of the financial and social results of this extraordinary phenomenon it is impossible to speak in much detail. There was no freedom of speech or of the press, and we learn less from the continental newspapers than from memoirs published after 1813.[40] It is, however, certain that at Paris in 1811 the prices of sugar, coffee, raw cotton, indigo, &c., were about tenfold what they then were in London.[41] While continental trade was starved for want of these products, England was glutted with them; and their low price in our own land conduced to that recovery in our export trade which marked the year 1812.[42] From timid hints given by the *Allgemeine*

[38] *Ibid.* vol. iii. chap. ix.

[39] The *European Magazine* for April 1810 states that he had recently confiscated 184 American ships in France.

[40] For the exhaustion and perplexity of France in 1814 see Guizot's *Memoirs*, i. 24 (Eng. ed.). For Germany see Varnhagen's *Life of S. K. Müller*, p. 26 (Germ. ed.); Freytag's *Bilder der Vergangenheit*, iv. 394.

[41] Raw cotton, 10 to 11 francs per lb.; sugar, 6 to 7 francs per lb.; coffee, 8 francs per lb.; indigo, 21 francs per lb. (Tooke, *Hist. of Prices*, i. 311.)

[42] Official value of British exports in 1811, 32,409,670*l.*; in 1812, 43,241,541*l.*

Zeitung of 1810 and 1811, we see the alarm and discontent caused the extension to the confederation of the Rhine of the French decr of August to October 1810. The French garrison at Frankfurt called out to occupy the strategic points, and eight bullets apiece w served out to the troops, while the seizure and burning of Engl goods went on. In the same number is a letter of news from Cas in the kingdom of Westphalia:—

> In consequence of the royal decree whereby the new duties on colo products are arranged according to the example of France, and the ot states of the Confederation of the Rhine, all colonial wares are increased in price, that everywhere in Westphalia men are think either of weaning themselves from them entirely, or of finding s stitutes for them.[43]

A little later the hope is expressed by the Hamburg senate th if the decrees are strictly obeyed, the emperor may be induced listen to a prayer for their mitigation, and so avert ruin from the sands of good citizens. Low prices in England and exorbitant on the continent tempted merchants to pay enormous prices for sec licenses, to brave the risks of smuggling, or to send goods by the m devious routes. Sugar was packed in small boxes, containing abo two hundredweight each. It was shipped thus from England Salonica, thence conveyed on the backs of horses or mules acr the passes of the Balkans, and so through Servia into cent Europe, or even into France.[44] The French merchants who in 18 had rejoiced at the burning of English goods, by the end of 18 were grumbling at the lack of raw materials; and shortly befo setting out for the Russian campaign, Napoleon had, in face of approaching industrial crisis, to warn them that he knew their bus ness better than they knew his, and that no commercial system w built up in a day.

But it was in Russia that the most decisive results of t new system were seen. The effect of the continental syste had been to lower the value of the Russian rouble from 1808 1810 by one-fourth.[45] The reason was obvious. Russian cred depended on the export of bulky articles like timber, grain, hem &c., which were ill-adapted for secret or contraband trade. H imports of colonial wares now cost her more than before Tils Her gold flowed to other lands in spite of a ukase framed to deta it at home. When in December 1810 Alexander followed Napoleon lead in adopting a stringent tariff, the evil was intensified. Russ suffered far more than France, where beetroot sugar was bei

[43] *Allgemeine Zeitung*, 28 Oct. 1810, p. 1203.

[44] Tooke's *Thoughts and Details on the High and Low Prices of* 1793 *to* 182 p. 212.

[45] Kiesselbach, *Die Continentalsperre*, p. 151.

grown with success, and where the growth of cotton was at any rate a possibility. The miseries of a single year convinced the Czar that his land could not exist in Chinese isolation; and at the end of 1811 an imperial ukase restored Russia to something like neutrality in the world-wide commercial war. Our government saw its chance, and by the orders of April 1812 allowed Russian ships, with some limitations, to trade with licenses to our ports; but the timid recommencement of trade between England and Russia had a far more important result than the abrogation of our orders in council, and the restoration of activity to our manufacturers;[46] for it was impossible that Napoleon should quietly witness the immense gap made in his system by the secession of Russia. English goods began to pour into central Europe by way of Riga; and, though personal recriminations figure ostensibly as the cause of the rupture of 1812,[47] yet the great movement of armed hosts eastwards at Napoleon's bidding was the last desperate attempt to realise the aim of 1798 and 1808.

J. H. Rose.

[46] 'In one day the whole of the manufacturing counties of England, from a cheerless waste of idleness, listlessness, wretchedness and discontent, became a scene of busy, happy, cheerful and peaceful men' (*Edin. Rev.* July 1812, p. 216). It is true that owing to Brougham's eloquence the orders in council were repealed before the American declaration of war arrived; but the reviewer does not notice that the change in Russian commerce had first facilitated their withdrawal.

[47] One of these, the annexation of Oldenburg, was necessitated by the increased stringency of Napoleon's system in 1810.

Notes and Docun

HISTORY FROM THE CHARTER

In England so soon as the royal charter b from the royal letter patent, the main for the two instruments is this, that whereas th bears a simple *Teste Meipso*, the charter p delivered by the king or by his chancellor in witnesses whose names are given. We hav of charter rolls beginning in the year 1199 that an eminent service in the cause of hist any one who would be at pains to copy ar witnesses that are to be found on the charter and fourteenth centuries; and in the hope to some one who can spend a few months i have asked leave to print here the result ob tion of the roll of one particular year, the thirt (28 Oct. 1252–27 Oct. 1253). The task woul and the outcome of it would not be a very b so I venture to think, be a book which every the history of the period that I have named always at hand and often in hand.

These lists of witnesses give us week b by day the names of those men who are in t I need not say that if we are to know mi being governed, it is necessary that we sho persons whom the king habitually sees. I official lists of the king's councillors, it is learn—unless the chroniclers give us some king's councillors are. There are times also it is more important to know who are the have speech with the king than to know th are his titular councillors.

A doubt may well occur to us as to wh fictions lurking in the charter rolls, whether a given day the king delivered a charter witnesses, we are entitled to infer that on th

really and truly, and not by way of fiction, in the king's presence. But having looked at a good many rolls of the thirteenth century, (I must not speak of much later times) this doubt seems to me to be unwarranted. We see the witnesses changing day by day and can in some measure account for the changes. At one time the king is enjoying himself at one of his rural manors or hunting lodges; the witnesses will be for the more part officers of the household, though it may happen that some bishop or earl will be paying him a casual visit, and if so will be named in the charter. Then the king comes to Westminster for the despatch of business; the number of charters that he has to execute increases, and the quality of the witnesses changes; the great officers of state are mentioned, and, it may be, some of the judges. The king holds a parliament; the quality of the witnesses changes once more; four or five bishops, four or five earls or great barons will attest his deeds. Further, it often happens that several charters are dated on the same day and that the lists of the witnesses coincide but partially. Now if we were dealing with a chancery fiction, with some rule which declared that certain officers ought to attest, and therefore must be supposed to have attested, a royal charter, all this would hardly be true. If the scribe of the charter had before him some rota of 'gentlemen in waiting,' and thence took his list of supposed witnesses, we should surely expect that one list would do duty for a whole day. If then we find, as well we may, that two charters were dated on the same day, and that the archbishop of Canterbury attested one out of the two, we are, so at present it seems to me, justified in believing that on the day in question the archbishop was in the king's presence, that while he was there a charter was delivered, and that the other charter was delivered before his arrival or after his departure. In no other way can I account for the rapid variations in the lists of witnesses.

The roll that I chose was chosen at haphazard. It is not an unusually good specimen, for it is imperfect, but it comes from an important time, and many of the names upon it are the names of those councillors of Henry III, of whom Matthew Paris has told us so much that we would willingly learn more. We see William of Kilkenny, the learned legist who keeps the great seal, Philip Lovel, who is acting as treasurer, Peter Chaceporc, the keeper of the wardrobe, and the great John Mansel, who seems to be 'prime minister without portfolio.' Sometimes a few justices, Roger Thurkelby, Gilbert Preston, Simon Walton, appear, though only for a moment. The most constant witnesses seem to be household officers, headed by Ralph fitz Nicholas, the steward of the household. Rarely are the official titles of these witnesses mentioned, though the Prior of Newburgh is called 'our chaplain.' Mansel is merely provost of Beverley, Kilkenny and Chaceporc are merely arch-

deacons. I put the more faith in these lists because there is n well-settled order in which the names occur. Those witnesses wh are of highest rank come first, but there is no carefully observe sequence such as we should expect were we dealing with a leg fiction. Then the kinsmen of the king and queen are prominent among them are Archbishop Boniface and the elect of Winchest Now and again some bishop or baron who is not connected wit the court appears and vanishes. And two of the parliaments c grand councils of the year leave an obvious mark upon the rol On 26 January 1253, there are four bishops, besides the archbisho in the king's presence. Had we no other evidence than that whic is afforded by this roll, we should be able to say that there was a important meeting early in May. I cannot but think that a bri calendar of the charter rolls would fix the date of many a parliamen or council, of which we as yet know little or nothing. But now will leave this specimen in the hands of those who can judge whethe such a calendar would not be a very useful thing, premising tha what is here printed is but a rough specimen, and not a finishe model.

F. W. MAITLAND.

Charter Roll of 37 *Henry III.*

1252

29 *Oct.*, *Windsor.*—Geoffrey de Lusignan, William de Valence, Joh de Grey, William de Kilkenny, Robert de Muscegros, Robert Walerand Bartholemew Pecche, Eble de Mountz (de Montibus), Robert le Norreis Imbert de Pugeis.

Same, with Ralph de Bakepuz.

30 *Oct.*, *Windsor.*—Lusignan, Valence, J. de Grey, Kilkenny, Ralp f. Nicholas, Muscegros, Walerand, Pecche, Walter de Thurkelby, Norreis Bakepuz, John de Geres, Pugeis.

31 *Oct.*, *Windsor.*—A[imer] bp. elect Winchester, Richard E. c Cornwall, Lusignan, Valence, Peter de Savoy, John Maunsel, Kilkenny John de Lexington, Walerand, Pecche, Norreis, Walt. de Thurkelby Bakepuz.

2 *Nov.*, *Windsor.*—A. bp. elect Winchester, Lusignan, Valence, Savoy Maunsel, Kilkenny, Lexington, Muscegros, Walerand, Pecche, Geoffre de Langley, Stephen Bauzan, Norreis.

Also Philip Lovel, Pugeis.

Also E. Cornwall, Gilbert de Segrave.

3 *Nov.*, *Windsor.*—P. de Savoy, J. de Grey, Kilkenny, Lovel, Segrave Walerand, Bauzan, Norreis, Bakepuz, Pugeis.

3 *Nov.*, *Windsor.*—Lusignan, Savoy, J. de Grey, Lexington, Pete Chaceporc, Kilkenny, Artald de S. Romano, Muscegros, Walerand Bauzan, Norreis, Bakepuz, Pugeis.

4 *Nov.*, *Windsor.*—Savoy, Lexington, Bertram de Crioll, Muscegros, Kilkenny, Walerand, Bauzan, Norreis, Walt. de Thurkelby, Bakepuz, Pugeis.

6 *Nov., Reading.*—W[illiam] bp. Salisbury, Segrave, Kilkenny, Lexington, Walerand, Pecche, William de Chaenny, Walt. de Thurkelby, Bakepuz.

Also Simon de Wauton, Gilbert de Preston, Pugeis.

9 *Nov., Marlborough.*—Lexington, Kilkenny, John Prior of Newborough, Segrave, Nicholas de Turri, Pecche, Chaenny, Walt. de Thurkelby, Pugeis.

10 *Nov., Marlborough.*—Humfrey E. of Hereford, Lexington, Kilkenny, Elyas Rabain, Segrave, Langley, Pecche, Chaenny, Walt. de Thurkelby, Pugeis.

12 *Nov., Marlborough.*—R[ichard] bp. of Chichester, Lusignan, Earl of Hereford, Segrave, Kilkenny, Lexington, Pecche, Chaenny, W. Thurkelby, Pugeis.

12 *Nov., Marlborough.*—R. bp. of Chichest., Earl of Gloucester, E. of Hereford, Lusignan, Valence, Kilkenny, Lexington, Segrave, Guy de Rochefort, Pecche, Pugeis, W. Thurkelby.

16 *Nov., Clarendon.*—Lusignan, Valence, Segrave, Lexington, Kilkenny, Rabain, Richard de Mundeville, Roger de Saunford, William de Chabbeneys, Chaenny, Pugeis, Geres.

Also Ralph fitz Nicholas, J. Maunsel, Walerand, de Turri.

17 *Nov., Clarendon.*—Lusignan, Valence, f. Nicholas, Lexington, Kilkenny, Segrave, Walerand, Chaenny, Walt. Thurkelby, Pugeis.

19 *Nov., Clarendon.*—A. bp. elect Winchest., Earl of Cornwall, Lusignan, Valence, Maunsel, Kilkenny, f. Nicholas, Lexington, Muscegros, Walerand, Pecche, Chaenny, W. Thurkelby, Pugeis.

22 *Nov., Clarendon.*—A. elect Winton., Lusignan, Valence, f. Nicholas, Maunsel, Kilkenny, Segrave, Lexington, Walerand, Pecche, Rabayn, Pugeis, Geres, Thurkelby.

23 *Nov., Clarendon.*—Lusignan, Valence, Savoy, Maunsel, Kilkenny, Lexington, Walerand, Rabayn, Pugeis, Thurkelby.

24 *Nov., Clarendon.*—Lusignan, Maunsel, Kilkenny, f. Nicholas, Lexington, Rabayn, Walerand, Pecche, Pugeis, Thurkelby, Geres.

Same, with Langley instead of Pecche.

29 *Nov., Clarendon.*—Maunsel, Kilkenny, Chaceporc, Muscegros, Walerand, Langley, Pecche, Bauzan, Norreis, Pugeis.

Same, with Geres instead of Langley.

. . . . . .[1]

1258

1 *Jan., Westm.*—R[obert] bp. Linc., W. bp. Worcest., f. Nicholas, Segrave, Reginald de Moun, J. de Grey, Walerand, Kilkenny, Roger de Thurkelby, Peter de Rivaux, Pugeis, Will. de Gernun.

26 *Jan., Westm.*—Valence, Maunsel, Kilkenny, f. Nicholas, Crioll, J. de Grey, Segrave, Lexington, Walerand, W. de Grey, Norreis.

26 *Jan., Westm.*—B[oniface] abp. Cant., F[ulk], bp. Lond., R[obert] bp. Linc., W[illiam] bp. Salisb., R[ichard] bp. Chichest., E. of Hereford, Maunsel, Kilkenny, f. Nicholas, J. de Grey, Crioll, Walerand, Gernun.

28 *Jan., Westm.*—Eler. abb. Pershore, Maunsel, Kilkenny, f. Nicholas,

[1] The charters for December and the greater part of January seem to be missing.

Crioll, J. de Grey, Walerand, W. de Grey, Norreis, Gernun, Lokington, Bakepuz.

Same, with Pecche and Bauzan, and without the abbot, W. de Grey, Norreis, Lokington, and Bakepuz.

28 *Jan., Westm.*—F. bp. Lond., R. bp. Linc., W. bp. Worcest. W. bp. Salisb., R. bp. Chichest., L. bp. Rochest., Maunsel, f. Nicholas, Crioll, J. de Grey, Walerand, Lokington.

29 *Jan., Westm.*—Maunsel, Kilkenny, f. Nicholas, Crioll, J. de Grey, Walerand, Guy de Rochefort, Will. de Chaenny, Bauzan, W. de Grey, Gernun, Bakepuz, Pugeis, Lokington.

1 *Feb., Westm.*—f. Nicholas, Segrave, Kilkenny, J. de Grey, Walerand, W. de Grey, Gernun, Norreis, Walt. Thurkelby, Bakepuz, Lokington.

5 *Feb., Merton.*—Earl of Warwick, J. de Grey, Stephen Lungespe, Kilkenny, Pecche, W. de Grey, Gernun, Norreis, St. Maur.

7 *Feb., Merton.*—P[eter] bp. Heref., E. abb. Pershore, J. de Grey, Kilkenny, Wengham, W. de Grey, Norreis, Gernun, St. Ermin.

8 *Feb., Merton.*—P[eter] bp. Heref., Kilkenny, J. de Grey, Chabbeneys, Pecche, W. de Grey, Gernun, Norreis.

9 *Feb., Merton.*—A. elect. bp. Winch., Kilkenny, J. de Grey, Hugh le Bigod, Roger de Thurkelby, Walerand, W. de Grey, Pecche, Gernun, Norreis.

10 *Feb., Merton.*—Earl of Warwick, J. de Grey, Maunsel, Kilkenny, Walerand, Pecche, Eble de Mountz, W. de Grey, Gernun, Stephen de Salmis, Norreis.

13 *Feb., Windsor.*—Earl of Warwick, J. de Grey, Kilkenny, Walerand, de la Haye, N. de Turri, Roger de Sumery, W. de Grey, Norreis, Gernun.

17 *Feb., Windsor.*—Maunsel, Chaceporc, Kilkenny, J. de Grey, Walerand, Wengham, Segrave, de Turri, W. de Grey, St. Maur, Gernun, Peitevin.

18 *Feb., Windsor.*—Earl of Cornwall, Segrave, J. de Grey, Maunsel, Kilkenny, Walerand, de la Haye, Wengham, Gernun, W. de Grey, Matthew Bezill, St. Maur.

23 *Feb., Windsor.*—Maunsel, Chaceporc, Kilkenny, J. de Grey, Walerand, Wengham, Segrave, de Turri, W. de Grey, St. Maur, Gernun, Peitevin.

Earl of Cornwall, Savoy, Maunsel, Chaceporc, Kilkenny, J. de Grey, de Mountz, W. de Grey, St. Maur, Pugeis.

24 *Feb., Windsor.*—Earl of Cornwall, J. de Grey, Maunsel, Kilkenny, de Mountz, St. Maur, Pugeis.

2 *March, Westm.*—John Maunsel, Chaceporc, Kilkenny, J. de Grey, P. Lovel, de Turri, de Mountz, St. Maur, Pugeis, Peitevin.

2 *March, Westm.*—Maunsel, Kilkenny, Chaceporc, J. de Grey, Drogo de Barentin, Pecche, St. Maur, Pugeis.

4 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, J. de Grey, Simon de Wauton, Lovel, St. Maur, Pugeis, Peitevin.

10 *March, Westm.*—Savoy, E. of Warwick, Maunsel, Chacepore, Kilkenny, J. de Grey, Ralph de la Haye, Nich. de Molis, Rabayn, St. Maur, Pugeis, Rog. de Lokington, Peitevin.

11 *March, Westm.*—E. of Warwick, J. de Grey, Maunsel, de

Molis, Kilkenny, de la Haye, Rabayn, Chabbeneys, Pugeis, Lokington, Peitevin.

Also Savoy and Wengham.

12 *March, Westm.*—Earl of Warwick, J. de Grey, Kilkenny, Nicholas de Molis, Chaceporc, Wengham, Ralph de la Haye, Rabayn, St. Maur, Pugeis, Peitevin.

13 *March, Westm.*—Earl of Warwick, Savoy, Maunsel, Kilkenny, J. de Grey, Wengham, St. Maur, Pugeis, Lokington.

14 *March, Westm.*—Earl of Warwick, J. de Grey, Maunsel, Kilkenny, de Molis, Walerand, Pugeis, St. Maur, Bakepuz, Haye, Peitevin.

14 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, J. de Grey, Walerand, Wengham, W. de Grey, St. Maur, Pugeis.

16 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, f Nicholas, J. de Grey, Walerand, Wengham, W. de Grey, St. Maur, Lokington, Pugeis.

17 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, f Nicholas, J. de Grey, Walerand, Wengham, de Molis, W. de Grey, Lokington.

18 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, f Nicholas, J. de Grey, Walerand, Wengham, W. de Grey, St. Maur, Lokington.

Same, with Pugeis.

20 *March, Westm.*—Maunsel, Chaceporc, Kilkenny, f. Nicholas, J. de Grey, Wengham, W. de Grey, St. Maur, Lokington, Pugeis, William de Gardinis.

Maunsel, Kilkenny, f. Nicholas, J. de Grey, Segrave, de la Haye, Walerand, de Molis, Drogo de Barentin, Peter Braunche, W. de Grey, St. Maur.

f. Nicholas, Maunsel, Segrave, Kilkenny, Chaceporc, J. de Grey, Walerand, W. de Grey, St. Maur, Bakepuz, Pugeis.

22 *March, Westm.*—Maunsel, f. Nicholas, Kilkenny, de Grey, Segrave, de la Haye, Walerand, W. de Grey, St. Maur, Lokington, Bakepuz, Pugeis.

23 *March, Westm.*—Earl of Gloucester, Savoy, Maunsel, Chaceporc, Kilkenny, f. Nicholas, J. de Grey, Walerand, Segrave, Wengham, St. Maur, W. de Grey, Lokington.

29 *March, Waltham.*—J. de Grey, Kilkenny, Walerand, Chabbeneys, W. de Grey, Pugeis, Bakepuz, Peitevin.

Same, with Warin f. Gerald and St. Ermin instead of Chabbeneys and Pugeis.

29 *March, Waltham.*—Kilkenny, J. de Grey, Wengham, Walerand, Chabbeneys, W. de Grey, Pugeis, Bakepuz, Peitevin.

30 *March, Waltham.*—J. de Grey, Kilkenny, John Prior of Newborough, Wengham, Chabbeneys, W. de Grey, Pugeis, Peitevin.

J. de Grey, Kilkenny, Walerand, Wengham, Chabbeneys, Robert de Shotindon, W. de Grey, Bakepuz, Pugeis, Peitevin, St. Ermin.

4 *April, Westm.*—J. de Grey, Kilkenny, Wengham, W. de Grey, Chabbeneys, Robert de Mares, Pugeis, Peitevin, St. Ermin.

4 *April, Havering.*—Kilkenny, J. de Grey, Wengham, Chabbeneys, W. de Grey, Pugeis, Peitevin.

Also Maunsel, St. Ermin.

Also Prior of Newborough.

6 *April, Havering.*—J. de Grey, Kilkenny, Wengham, W. de Grey, J. de Geres, Pugeis.

Also de Mountz, Bauzan, St. Ermin.

8 *April, Havering.*—Kilkenny, J. de Grey, Ric. de Munfichet, Wengham, Rochefort, W. de Grey, Bauzan, Pugeis, Geres.

15 *April, Westm.*—Maunsel, Kilkenny, Prior of Newborough, J. de Grey, Wengham, de Mountz, W. de Grey, Bauzan, St. Maur, Lokington, Pugeis.

16 *April, Westm.*—Maunsel, Kilkenny, Prior of Newborough, J. de Grey, Wengham, Rochefort, W. de Grey, St. Maur, Pugeis, Lokington.

17 *April, Westm.*—Maunsel, Kilkenny, J. de Grey, Lovel, Wengham, Rochefort, W. de Grey, Bauzan, St. Maur, Pugeis, Lokington, Bakepuz.

22 *April, Merton.*—S[ilvester] bp. Carlisle, Maunsel, Kilkenny, J. de Grey, f. Nicholas, Wengham, W. de Grey, St. Maur, Pugeis.

24 *April, Merton.*—f. Nicholas, Kilkenny, R. de Grey, Chaceporc, W. de Grey, Lokington . . . St. Ermin, Geres [*imperfect*].

29 *April, Merton.*—f. Nicholas, Crioll, Kilkenny, R. de Grey, J. de Grey, Wengham, Rabain, W. de Grey, Lokington, S. Ermin, Geres.

4 *May, Westm.*—A. bp. elect Winchest., Earl of Warwick, Kilkenny f. Nicholas, Crioll, R. de Grey, J. de Grey, Wengham, W. de Grey, Peitevin, Lokington, St. Ermin.

5 *May, Westm.*—Earl of Warwick, f. Nicholas, Crioll, J. de Grey, Kilkenny, Wengham, W. de Grey, St. Maur, Lokington, Walt. Thurkelby.

10 [?] *May, Westm.*—Savoy, Maunsel, Kilkenny, f. Nicholas, Crioll, R. de Grey, J. de Grey, Wengham, W. de Grey, Bauzan, St. Maur, Lokington.

10 *May, Westm.*—Savoy, Maunsel, Kilkenny, f. Nicholas, Crioll, J. de Grey, Walerand, Wengham, Bauzan, W. de Grey, St. Maur, Lokington.

F. bp. London, W. bp. Salisb., W. bp. Durham, Earl of Norfolk, Earl of Warwick, Philip Basset, f. Nicholas, Maunsel, J. de Grey, Kilkenny W. de Grey, St. Maur, Bakepuz, Lokington, Pugeis, Peitevin.

B. abp. Cant., Savoy, Maunsel, Kilkenny, f. Nicholas, Crioll, J. de Grey, Walerand, Wengham . . . . Bauzan, St. Maur, Bakepuz, Lokington.

B. abp. Cant., R. bp. Linc., W. bp. Durham, F. bp. London, W. bp. Salisb., W. bp. Norwich, W. bp. Bath and Wells, E. of Cornwall, E. of Norfolk, f. Nicholas, Maunsel, J. de Grey, Kilkenny, Crioll, Lexington, Walerand, W. de Grey, St. Maur, Lokington, Bakepuz, Pugeis, Peitevin.

12 *May, Westm.*—Maunsel, f. Nicholas, Lexington, Crioll, J. de Grey, Kilkenny, Walerand, Wengham, W. de Grey, St. Maur, Pugeis.

Savoy, Maunsel, f. Nicholas, St. Maur, Pugeis, Lokington.

Savoy, Maunsel, f. Nicholas, Lexington, Crioll, Kilkenny, Walerand, Wengham, J. de Grey, St. Maur, Pugeis, Lokington.

13 *May, Westm.*—Savoy, Maunsel, f. Nicholas, Lexington, Crioll, J. de Grey, Kilkenny, Walerand, Wengham, W. de Grey, Pugeis.

14 *May, Westm.*—Savoy, Maunsel, Chaceporc, Kilkenny, f. Nicholas, Crioll, J. de Grey, Lexington, Walerand, Bauzan, St. Maur, Lokington.

15 *May, Westm.*—F. bp. London. W. bp. Salisb., Earl of Norfolk, f. Nicholas, J. de Grey, Kilkenny, Crioll, W. de Grey, St. Maur.

15 *May, Westm.*—B. abp. of Cant., A. elect bp. Winch., . . . f. Nicholas, Kilkenny, J. de Grey, Crioll, Walerand, W. de Grey. . . .

16 *May, Westm.*—Savoy, Maunsel, Chaceporc, f. Nicholas, Lexington, Crioll, J. de Grey, Walerand, W. de Grey, Bauzan, Pugeis, Lokington.

22 *May*, *Westm.*—F. bp. London, S. bp. Carlisle, f. Nicholas, Lexington, J. de Grey, Pecche, Bauzan, W. de Grey, Lokington, Pugeis.

24 *May*, *Windsor.*—W. bp. Durham, Kilkenny, J. de Grey, Walerand, Chabbeneys, Pecche, Bauzan, St. Maur, Bakepuz, St. Ermin.

25 *May*, *Windsor.*—J. de Grey, Kilkenny, . . . Rob. de Muscegros, Walerand, Pecche, Langley, Bauzan, St. Maur.

29 *May*, *Westm.*—Chaceporc, Kilkenny, de Grey, Wengham, Pecche Bauzan, Pugeis, St. Ermin, Peitevin.

1 *June*, *Faversham.*—L. bp. Rochester, Kilkenny, Crioll, W. de Grey, Pecche, Pugeis, Bauzan, Peitevin, Chaenny [*vacated*].

15 *June*, *Winchester.*—W. bp. Bath, Chaceporc, Kilkenny, J. de Grey, Crioll, Lexington, Wengham, Walerand, St. Maur.

18 *June*, *Winchester.*—Maunsel, Kilkenny, Crioll, J. de Grey, Lexington, Walerand, Wengham, Pecche, Bauzan, St. Maur, Bakepuz, Pugeis.

19 *June*, *Winchester.*—B. abp. Cant., A. bp. elect Winchest., W. bp. Worcest., P. bp. Hereford, W. bp. Bath, E. of Cornwall, E. of Gloucester, Guy de Lusignan, f. Nicholas, Maunsel, Kilkenny, J. de Grey, Lexington, W. de Grey, Gernun.

20 *June*, *Winchester.*—B. abp. Cant., E. of Cornwall, E. of Gloucester, Maunsel, Kilkenny, f. Nicholas, Crioll, Lexington, W. de Vesy, ... Gernun [*imperfect*].

f. Nicholas, Kilkenny, J. de Grey, Walerand, de Mountz, Pecche, Bauzan, Bakepuz . . . [*imperfect.*]

21 *June*, *Winchester.*—B. abp. Cant., E. of Cornwall, Maunsel, Kilkenny, f. Nicholas, Crioll, J. de Grey, Lexington, Walerand, Wengham, Pecche.

22 *June*, *Winchester.*—f. Nicholas, Kilkenny, Crioll, J. de Grey, Lexington, Walerand, Wengham, Pecche, Bauzan, W. de Grey, St. Maur, Pugeis, Bakepuz.

23 *June*, *Southwick* [*Suwyk*].—Kilkenny, John f. Geoffrey justiciar of Ireland, f. Nicholas, Crioll, J. de Grey, Lexington, Walerand, Pecche, W. de Grey, Pugeis.

25 *June*, *Southwick* [*Suwyc.*]—Joh. f. Geoffrey, Will. de Cantilupe, Chaceporc, Kilkenny, f. Nicholas, Crioll, J. de Grey, Lexington, Walerand, Wengham, Pecche.

27 *June*, *Southwick.*—Savoy . . . Crioll, Lexington, J. de Grey, Kilkenny, Wengham. . . .

29 *June*, *Southwick.*—F. bp. London, W. bp. Worcest., Savoy, Kilkenny, f. Nicholas, J. de Grey, Crioll, Lexington, Walerand, Pugeis.

. . . . . .[2]

THE PARLIAMENTARY PRIVILEGE OF FREEDOM FROM ARREST, AND SIR THOMAS SHIRLEY'S CASE, 1604.

THE freedom from arrest, except for treason, felony, and breach of the peace, has always been considered one of the most important of

[2] Part of the roll containing the charters of June is mutilated, and it seems probable that some membranes containing the charters of July are lost. In August the king left England for Gascony.

parliamentary privileges. Recognised by the judges in the
of Thorpe (1452), and Ferrers (1543), it was maintained on se
occasions during the reign of Elizabeth. Not only had the com
successfully asserted their privilege, but they had to all appea
established their right to release imprisoned members by mea
their own officers, without any interference on the part of the c
or the law-courts. Nevertheless, in the first parliament of Jam
the privilege was violated in the person of Sir Thomas Shi
M.P. for Steyning, and it was not till after a struggle, which la
for nearly two months, and after passing two acts of parlian
that the house succeeded in releasing the prisoner from capti
Victory remained with the house of commons, and 'Shirley's c
is generally regarded as having finally settled the questio
privilege in its favour. The two acts above mentioned, ha
special reference to Sir T. Shirley and his gaolers, were rega
as private acts, and are therefore not printed in the 'Statute
the Realm,' nor have they, so far as I know, been printed elsewh
but they contain so clear a statement of the principle in disp
and of the method adopted to obviate the legal difficulty ari
from its enforcement, that it seems worth while to print t
here. A third act, providing that creditors should not in fu
suffer loss through the release of prisoners by parliamen
privilege—that is, giving a general application to the safegu
granted in the special case—was subsequently passed, and app
in the Statute Books as Stat. 1 Jac. I, 13. What is the rela
of this act to its two predecessors, and why should it have b
necessary to pass *two* acts before Sir Thomas could be rele
from the clutches of the warden of the Fleet?

To answer these questions it will be necessary to give a sh
sketch of the proceedings connected with the case. On the f
day of the session (22 March, 1604) attention was called to
T. Shirley's arrest for debt. A warrant for a writ of *habeas co*
was issued, and on 27 March the warden of the Fleet appeared
the bar of the house, bringing his prisoner with him. After a b
examination a debate took place, and a committee was appointe
search for precedents. The case of Goodwin and Fortescue
Buckinghamshire election) occupied the chief attention of
house for several days, and nothing more was heard of Sir Thom
who meanwhile was lying in the Fleet, till the house met again a
a short adjournment on 11 April. The committee then repor
and another warrant was issued to bring Sir Thomas to the ho
The result of this warrant is not stated, but the prisoner was
forthcoming on the day appointed (13 April), and, after cou
had been heard at the bar, Simpson, the creditor, and Watk
who had carried out the arrest, were committed to the Tower.
was on this day that the dispute about the Buckinghamsh

election was brought to a satisfactory conclusion. The house was left more free to fight out the battle over another privilege.

The question arose, Would the warden be liable for Sir T. Shirley's debt if he released his prisoner? To obviate this difficulty, leave was given (on 16 April) to bring in a bill to save the warden from any ill effects. The bill (No. 1 below) was introduced next day (17 April), read twice, and committed. On the 20th it was reported, with some amendments, which were accepted, and the bill ordered to be engrossed. On the same day the general enactment mentioned above, which afterwards became Stat. 1 Jac. I, 13, was brought in and read for the first time. Next day (21 April), it received a second reading, and was committed, but nothing more was heard of it for more than a fortnight. The house was in no hurry about this matter, but the special bill, which appeared necessary for Sir Thomas's release, was pressing. On 21 April it was read a third time and sent up to the lords, with a request that the lords would move the king to grant his assent to it at once, since if it were to wait till the end of the session their purpose would be frustrated. On the 26th the bill was read a first and second time in the lords, and committed. The committee reported it the same day 'without any alteration or amendment.' Still it seemed to hang fire, and the commons pressed for 'expedition.' The delay was apparently due to the fact that the lords were doubtful 'whether the king's assent to one bill apart do not conclude the session.' Nevertheless on 30 April they read it a third time and passed it. If the difficulty about the king's assent could be got over, the matter seemed settled. But at this moment the dispute entered on a new phase.

The delay in the lords had given the lower house time to reconsider their position, and they began to see that if the bill (No. 1) became law they would seriously imperil their privilege or, at all events, practically surrender their right to enforce it. The bill invoked the aid of the king and the lord chancellor, and the prisoner would have owed his liberty, not to the direct action of the house, but to the potent intervention of the chancery. The commons had only just established against that court their right of examining returns; were they now to recognise the necessity of appealing to it on another ground? They therefore, after appointing a committee (2 May) to make further inquiry into precedents, rejected (4 May) a motion to request the king's assent to the bill, and resolved to proceed directly, of their own power, to release their imprisoned member. A writ was issued, but the warden refused to release Sir Thomas until the king's assent to the bill should be procured. Brought to the bar of the house (7 May) he persisted in his refusal, and was committed to the custody of the sergeant. A second writ was issued, with no better success than

the first. Next day (8 May) the warden, brought again to the offered to release his prisoner if a writ were issued directing to bring him before the chancellor. This was just what commons did not want, though it was the course proposed themselves a fortnight before. Finding they could make impression on the warden, they sent him to the Tower, and on 9th, without waiting to issue another writ, directed their serge to go with his mace to the Fleet, and demand the prisoner. T may have thought that, as they had the warden under lock and his wife, who was left in charge of the prison, would not ventur refuse their demand; but the lady opposed as stout a resistance her husband, and the sergeant returned empty-handed. What to be done? The house was much excited, and all sorts of proposals were made. It was actually resolved, by a sm majority, that six members should be sent with the sergeant batter their way into the Fleet and release their colleague by m force. However, on the Speaker pointing out that this mi expose them to disagreeable legal consequences, this project dropt, and the house separated without taking any steps.

When they met again next day (10 May) cooler counsels p vailed. Some one moved for a new bill. 'The former bill pas both houses, and after found faulty, and therefore a new bill to thought on.' It was no sooner said than done. That very day a n bill (No. 2 below) was brought in and read, amended and read second time, then 'presently ingrossed by the clerk's servant atter ing for the purpose at the door,' afterwards read a third time, pass and 'instantly sent up to the lords.' The lords read it twice t same afternoon and committed it. Two days later (12 May) th committee reported it, with certain amendments, which we agreed on, and the bill read a third time and passed. The amen ments were at once accepted by the commons and the bill return to the upper house. The whole proceeding only occupied t days. This bill differed from its predecessor in omitting a appeal to the king or the chancellor; it merely saved the just right Sir Thomas's creditors and preserved the warden and others co cerned from any legal proceedings on account of his release. T release was to be effected by the unaided action of the hous Moreover it was to be unconditional; the house would not allo any obstacle to stand in its way. On 11 May, while the bill w before the lords, the commons sent their sergeant a second time demand their member. He was again refused. Thereupon th sent for the warden, and 'finding him still perverse' they cor mitted him to the dungeon called 'Little Ease,' within the Towe It turned out that the dungeon was in a filthy state, but this d not induce the house to relent. They reprimanded the constable the Tower for not taking better care of his prison, but they left t

warden where he was. Nor did the discomfort which he suffered break down for some time his obstinacy. On 14 May Sir Thomas was still in prison, and the house was at its wits' end. An agitated debate ensued. One member proposed to fine the warden 100*l.* a day so long as he kept his hold of the prisoner; another moved to acquaint the lords and petition the king; a third recurred to the old resolution in favour of a forcible release. It was at length resolved to serve another writ on the warden, who was to be brought to the bar for the purpose. But the end was come. Whether owing to a private hint from some high quarter, or because the king had assented to the bill, or because his confinement had become intolerable, the warden gave way. On 15 May the Speaker reported that he had offered to release the imprisoned member, and shortly after Sir Thomas appeared. He was at once admitted, and took the oath and his seat.

The warden, no doubt, expected to get his release immediately, but the house was not inclined to let him off so easily. They resolved that one Brian Bridger, 'a poor minister,' then in prison, should be released, but that the warden should for the present be kept in durance. Four days longer he pined in 'Little Ease.' On 19 May he was brought to the bar and, having 'confessed his error and presumption and professed that he was unfeignedly sorry that he had so offended this honourable house,' he was allowed to go free. On the same day the general enactment (1 Jac. I, 13), which had been going through its various stages in a dignified and leisurely manner, was read a third time before the lords and passed. And so the incident terminated. The struggle had been fought out with great pertinacity on both sides, but in the end the commons had won a complete victory. The moral weight of the result is not to be estimated by the apparent slightness of the matter actually in dispute. Such a conflict, carried through with good sense, firmness, and moderation, with insight into principles and a perception of the wider interests involved, was the best possible preparation for united action in the graver struggles that were to come.

Two minor questions remain to be cleared up. The first is, Which of the two acts printed below is the earlier one, introduced on 17 April, and afterwards shelved; and which is the second, introduced on 10 May and so hurriedly passed through both houses? There is no date or other obvious indication on the acts themselves to make this point clear, except that the number 72 is endorsed on act No. 1, and the number 42 on act No. 2. This might appear to indicate an order different from that in which I have placed them, but fortunately there is other evidence which leaves no doubt. (1) The act of 17 April is always recited in the journals of both houses, as an act 'to secure Simpson's debt;' that of 10 May is as regularly styled an act 'to secure the debt of Simpson and

others.' It will be seen that these titles correspond wit endorsements of the two acts. (2) The act of 17 April was, have seen, accepted by the lords, 'without alteration or amendr the act of 10 May was amended by the lords, and the amend were accepted by the commons. Accordingly, the original No. 2 has on it the words 'a ceste bille *avecqe les amend annexes* Les Seigneurs ont assentus,' and the manuscript itself what these amendments were. The words 'his theire and of theire' (p. 740 line 11), and the words 'end of this p session' (*ibid.* line 12) are written over erasures in the parch (3) Act No. 1 is carefully written on ruled lines. Act No. 2 obvious marks of the haste with which (see above) it was engr (4) Lastly the appeal to the chancellor in act No. 1, for whic commons substituted their own direct procedure, shows that the earlier of the two acts, afterwards 'found faulty' and supers

The second question is, How comes it that both acts rec the royal assent, when only one, viz. act No. 2, was require the end in view, and pressed by the house? I confess I hav suggestion to offer on this point, unless it be that the chanc seeing that act No. 1 recognised his jurisdiction, took advanta its having passed both houses, and obtained the royal assent at the end of the session, in order to secure a pretext for interver in the future.

G. W. PROTHERO

[I.]

Soit faict cõme il est desire.

Soit baille aux Seignieurs A cest bille les Seigneurs assentus.

Humbly praie, the cõmons of this p^rsent Parliament. That whe Thomas Shirley knight, w^ch came by yo^r highnes comaundment to yo^r p^rsent Parliament being elected and retorned a Burgesse for Boroughe of Stayning, in yo^r highnes Countie of Sussex, Was vpon xv^th daie of March last past arrested by the Sheriffe of London at suite of one Gyles Simpson, first vpon an action of debt, and after the same daie laid and detayned in execucion vpon a recognizaunce of nature of the statute staple of Three thousand pounds, in the Pr comonly called the Cõmpter in the Poultrie in London at the suit the said Simpson, and from thence by Habeas corpus was remo to yo^r ma^ties prison of the fleete, where yet he is detayned, in execucio well vpon the said Recognizance as to answere to two actions of de one of two thousand pounds, at the suit of Willm̃ Beecher and the o of 3000^li also at his suite, and to answere to one other action of debt 300^li at the suite of one John Kinge, contrarie to the libẽies, priviledges, freedomes accustomed and dewe to the cõmons of yo^r highness Parliam who have ever vsed to enjoy their freedome in coming to and retur from the Parliament, and sitting there w^thout restraint or molestac Maie it please yo^r highnes by the assent of the Lords Spirituall temporall in this p^rsent Parliament assembled, and by the authoritie

the same, Yt maie be ordayned and enacted That yo^{r} Chauncelo^{r} of England, shall wthout delaie direct yo^{r} writt to the Warden of yo^{r} ma^{tie} said Prison of the Fleete comaunding him imediately to have the said Thomas afore him, and then him to dismisse at large and to dischardge the said warden of the Fleete of him, of and for everie of the p^{r}misss soe that the said Thomas, maie tend dailie of this yo^{r} Parliament, as his dutie is to doe, And that it may be further enacted, that the said Sheriffe of London, the nowe Warden of the fleete, and all others, that have had the said Thomas in Custodie, since the said first arrest, theire execut^{rs} or administrat^{rs}, or any of them maie not be in any wise hurt, endamaged or greeved, because of the said dismissing at large of the said Thomas. Saving alwaies to the said Giles Sympson, and other the psons aforesaid, at whose suite the said Thomas is detayned in Prison, his theire and ẽy of theire execucions and suits at all tyme, and tymes after the disolving of this p^{r}sent Parliament, to be taken out and psecuted as if the said Thomas had never bene arrested or taken in execucion, And as if such actions had never bene brought or served against him. Saving also to yo^{r} Ma^{ties} said comons, called nowe to this yo^{r} Parliament, and theire successors theire whole libties, franchises, and priviledges in all ample forme and manner, as yo^{r} highnes said Comons, at any tyme afore this daie, have had, vsed, and enioyed, and ought to have, vse, and enioy, this p^{r}sent Act and Peticion in any wise notwthstanding.

[Endorsed.] An Act to secure Simpsons debt and saue harmlesse the warden of the Fleet in S^{r} Tho. Shirleyes case. Anno Primo Regis Jacobi. 72.

[II]

Soit faict come il est desire

Soit baille aux Seignieurs A ceste bille auecqe les amendements annexes les Seigneurs ont assentus.

Humblie pray the Comons of this p'sent Parlyament that whereas Thomas Sherley knight w^{ch} came by yo^{r} highnes comaundement to this yo^{r} p^{r}sent Parlyament, being elected and returned a Burgesse for the Boroughe of Steyning in yo^{r} highnes Countie of Sussex was vpon the fifteneth day of March last past arrested by the Sheriffe of London, at the suite of one Giles Simpson first vpon an Accon of debt And afterwards the same daie, laide and deteyned in execucon vpon a Recognizaunce, of the nature of the statute staple, of thre thowsand pownds in the prison comonlie called the Compter in the Pultrie in London, at the sute of the said Simpson, and from thence by habeas corpus was removed to yo^{r} ma^{ties} prison, of the Fleete, where for a tyme he was deteyned in execucon, aswell vpon the said Recognizaunce, as to answer to two accons of debt, one of two Thowsand pownds at the sute of William Beecher, and the other of three Thowsand pownds allso at his sute, And to answer one other Accon of debt of three hundreth powndes at the Sute of one John King, contrarie to the liberties, priviledges and freedome accustomed, and due to the Comons of yo^{r} highnes Parlyament who have euer vsed to enioye the fredome in comming to, and returning from the Parliament, and sitting there wthout restraint or molestacon And yt concerneth yo^{r} Comons

greatelie to haue this fredome and priviledg inviol
end, that no pson be preiudiced, or damnified her
highnes by the assent of the Lords Spirituall and
in this p^rsent Parliament assembled, and by the a
may be ordeyned and enacted that the said Sheri
Warden of the Fleete, and all others that have hs
Custodie, since the said first arrest, theire execu
any of them, may not nor shall in any wise be hu
because of dismissing at large of the said Thomas
to the said Giles Sympson and other the persons h
the said Thomas ys deteyned in prison his theire
cuc̃ons and sutes, at all tyme and tymes, after the e
of Parlyament to be taken out and prosecuted as
never bene arrested, or taken in execuc̃on. And
never bene brought or sued against him, Savin
Co̅mons called now to this yo^r Parliament, and
whole liberties Franchises, and priviledges in all a
as yo^r highnes said Co̅mons att any tyme before
and enioyed, and ought to haue, vse and enioye,
c̃on, in any wise notw^thstanding.

[Endorsed]. An Act to secure the debt of Simpso
others, and saue harmlesse the warden of the F
Sr Thomas Shirleyes case. Anno Primo Regis Jaco

THE FLIGHT OF PRINCESS A

THE following account of the flight of the Pri
prince of Orange on 25 Nov. 1688 occurs in th
(xv. 432) preserved in the Pepysian Library
Cambridge. It is written on 26 Nov. by Sam
to the admiralty, by express command of th
mouth, then in command of the fleet, 't
Impressions that may be made in y^e Fleet c
(through misrepresentac̃ons).' The accou
more detailed and picturesque than that use
is in the writer's characteristic style.

This comes by Express direc̃on of the King .
pticular aggrevation to his many other present di
had, nor could have mett w^th any Intimac̃on till
into the Towne this afternoone, namely y^e withd
Denmarke in y^e night (last night) without any Ju
wise then by a very uncertaine Guess at y^e design
his Ma^ties end in my telling y^e this being to preven
that may be made in y^e Fleet concerning thi
representac̃ons) by your being informed in all that
thereof, I am in short to lett you know that w
occasion for an appearance of any discontent in

in her usuall manner and time to Bedd, M^rs^ Danvers (who was in present Waiteing) lyeing in y^e^ Ante-chamber. This morning S^r^ Benj Bathurst about ½ an hour past 7 went up in his usuall manner to enquire after y^e^ Princess's health, & findeing noe body in y^e^ fore roomes went on to the Ante-chamber where he found M^rs^ Danvers dressing her Selfe in Order to Attend y^e^ Princess as not haveing yet done it, Upon w^ch^, he just now told the King, he went downe to his Office, and after haveing been there about ½ an hour, he heard a sudden outcry of Women, w^ch^ upon his running out to satisfye himselfe in y^e^ occasion of, found it to be a universall Cry among the Ladies that some One or Other had carryed away the Princess. The History of w^ch^, as much thereof as is yet knowne, is this that upon M^rs^ Danvers' goeing into her Highness's Chamber to call her, & receiveing noe answer to her Call, She opened y^e^ Bedd, and found y^e^ Princess gone and the Bedd cold, w^th^ all her yesterdays cloaths, even to her Stockings and Shooes left behind, Takeing her passage, as is concluded (by y^e^ doores being found but single lock'd that way leading to her Stoole Roome) down a p^r^ of small back Staires by w^ch^ y^e^ necessary Women use to goe in & out for the Cleanseing of y^t^ Roome. Now as an^o^ branch of this Story, I must tell y^o^ that Orders comeing last night from y^e^ King, that both my Lord Churchill's Houses in Towne & at S^t^ Albans should be imediately seized and all y^t^ was in 'um (and as I take it my Lady Churchill her selfe) [and as] that w^ch^ relates to his House here at Court was of Course to be Executed by my L^d^ Chamberlaine only, who instead of proceeding instantly to y^e^ worke by way of Surprize for preventing escapes or removalls of any things or psons w^ch^ might have been of benefitt to y^e^ King to have seized, suffered himselfe in Complyance to be delayed by the Princess for ½ an hour by her Express desireing of it from him; And had this effect that my Lady Churchill and M^rs^ Berkley & the Princess her Selfe are all three gone, but whether together or noe is not certainly knowne. This only is said by y^e^ Centinall that was at that time upon y^e^ Guarde at y^e^ Cockpitt doore next the Street that in y^e^ dead of y^e^ Night ab^t^ 2 or 3 a Clock a Coach & Six Horses w^th^ one Lady in it came thither & after a very little stay tooke up two Ladyes more at y^e^ doore & soe went away. But whither nobody undertakes to guess, this that I have told you being y^e^ whole of what has yet been discoursed of any degree of certainty touching her goeing, without y^e^ least appearance of y^e^ World for that w^ch^ evill disposed People have already made it their business to insinuate into y^e^ Towne, & is got into Vulgar talke, of her being forced away by y^e^ Papists; Whereas any thing cannot be thought more naturall then that y^e^ Ladyes should thinke it time for them to withdraw as soone as they rec^d^ Tideings of their Husbands haveing done y^e^ same. But his Maj^ty^ has nevertheless tho^t^ it not becoming him to part w^th^ a Daughter with^t^ yet some more solemn enquiry made into y^e^ Ground of it, [and] has this night required all y^e^ Prin[c]e and Princess's Servants that had any relacon of Service upon y^e^ pson of y^e^ Princess both Men & Women in every degree to be imediately found out and confined to their Chambers till they have passed a very Strict Examinacon by a Comitte of the Councill touching their knowledge in any part of y^e^ Premisses, and this in Order to his Ma^tys^ acquainting both y^e^ Privy Councill & my L^d^ Mayor & Aldermen of London tomorrow w^th^ y^e^ Result of y^e^ said Examinacons of whatever shall arise materiall therein. . . .

THE HOUSE COMMUNITY IN UPPER ARAGON.

When in 1880 Señor Don Joaquin Costa first described, in his 'Derecho Consuetudinario del Alto Aragón,' the house community existing in that country, and showed it to be identical, or almost identical, with that of the Balkan Slavs, he remarked (p. 65) that it was no advantage to be the chief, or head, of a poor house community, to be the universal heir. Under such conditions, where the children are numerous and the elder generation is not strong, or is past labour, the heir is the slave, first of his brothers, then of his own children, and is master only in the sense of having to satisfy all the claims, external or internal, of the house or house community. Hence renunciations of heirship or of headship of the house were even then not unfrequently heard of. More recently the same writer has described, in three articles contributed first to 'La Derecha,' of Zaragoza, 19, 20, 21 July 1892, and reprinted last December in the 'Boletin de la Institucion Libre de Enseñanza,' the rapid aggravation of the situation, under the changed conditions of modern life, the increasing exigencies of the State, and the fall in the price of all agricultural produce. It is evident that the only thing that could make the life of a house community tolerable, with its three generations living together in it, would be concord, and at least to some extent affection among its members. Señor Costa draws a touching picture of how all these have broken down under present conditions. The elders, *laudatores temporis acti*, are ever complaining of the difference between the present times and those when they were young. They lay the fault of the diminished income on the younger generation, instead of on circumstances over which they have no control, but which have made the position of the head of a house community, the *heredero universal*, instead of an enviable situation, one almost intolerable. To all these causes must be added a still more potent one, occasioned by the facility of communications—the knowledge and experience of the higher wages to be earned in towns, of money to be earned there on which no one else has a claim.

Thus it is that a considerable part of the land of Upper Aragon, in which the house community prevails, is falling out of cultivation altogether. The heir, the head of the house, without whose consent no legal change can be made, is away. The charges on the house and property go on accumulating, and the incomings lessen rapidly as the elders, left alone, get less able to work; the price of produce falls; the taxes and fiscal burdens of the state are ever augmenting. The heir is implored to return and take his share in the work and in the burdens, to aid in their removal; or he is asked to consent to the sale of some portion of the land—generally the best, for none other is saleable at all—in order to pay off the most pressing

claims. To this a deaf ear is usually turned; if the heir consents to sell a portion, the sale proves to be merely a stopgap. Generally he will not answer, or refuses to sell. He reasons thus: If the property be sold now, the proceeds will go either to the elders or to pay off claims and charges; he will get little or nothing of it. If he waits till the elders die, and the property be sold then, he may get a little; at any rate he will have the choice to sell or not, he will still have the house. So matters go on; the land is uncultivated, or not properly cultivated, for want of labourers. At the death of the elder generation it is attempted to be sold; but no one will now buy land in Upper Aragon, when the produce of cultivation is barely enough to pay the taxation and fiscal charges of the state, and it falls altogether out of cultivation.

Thus we are apparently brought face to face with the disappearance of the last remnants of a once widely spread institution in the Pyrenees. It seems to have been entirely independent of race, to have had no special ethnological relations, to have been simply the product of circumstances and of a certain stage of civilisation. Found in recent times in its purity only in Upper Aragon, there are distinct traces of its existence in former times among the Béarnais of the Vallée d'Aspe.[1] It appears to have existed in the Asturias and in the *Sociedad Gallega*,[2] and probably the *conseil de famille* of the French code remotely descends from it. As Señor Costa remarks, in its time it has done good service. Its moral effects were excellent. Like the *lar* of the Béarnais, the *avitas hereditaria* of the Basques, the *cinco sueldos* of land, the house and threshing-floor of Navarre, without which no one could be reckoned a *vecino*, it kept land and property from too great subdivision, it checked over-population on a given spot, it fostered family pride and self-respect; now it seems doomed to extinction. Probably the land which is now falling out of cultivation will again be cultivated in happier times; but it will be under different conditions and under different institutions. The state may have more to do with it; but the house community will have disappeared.

The margin of poor land which cannot pay for cultivation under present conditions must increase with the fall in prices and the greater incidence of taxation, and until these conditions are changed the land must gradually fall out of cultivation not only in Upper Aragon, but in all other places where the circumstances are similarly adverse.

WENTWORTH WEBSTER.

[1] *Osse: Histoire de l'Eglise Réformée de la Vallée d'Aspe*, par Alfred Cadier, p. 67. Paris. 1892.

[2] *Derecho Consuetudinario del Alto Aragón*, por Joaquin Costa, p. 192. Madrid, 1880.

Reviews of Books

A History of Greece. By EVELYN ABBOTT, M.A., LL.D., Fellow and Tutor of Balliol College, Oxford. Part II. From the Ionian Revolt to the Thirty Years' Peace, 500–445 B.C. (London : Longmans & Co. 1892.)

IN the second volume of his history Mr. Abbott takes us down to the Thirty Years' Peace of 445, not as he originally proposed to the end of the Peloponnesian War. The last hundred pages are occupied with the history of the Greek colonies in Sicily and Italy down to 450. The volume begins with an introduction which is apparently meant to supply a defect of the first part, for in it he gives some discussion of the tribal origin of the Greek race and the early constitutioual developments. He points out how the substitution of the republican city state for the older tribal and monarchical organisation made Hellas more disunited than it had formerly been. The chapter is, however, awkwardly placed, and though it was desirable to sum up the condition of the Greek world at the beginning of the Persian wars, this would have been better done on a smaller scale. Turning to the main portion of the volume, we find no reason to regret the greater fulness which the author has allowed himself ; there is nothing superfluous in the narrative or in the comments. In every way this volume is a great improvement on its predecessor. The subject of course is an easier one ; the course of the history is, except just at the end, singularly simple and straightforward : but even apart from this there is a great improvement. Mr. Abbott is brighter, clearer, and more enthusiastic. In the first part he seemed oppressed by his own scepticism, and almost to doubt whether the history was worth writing ; his caution in making a positive statement went so far that it was difficult to get any intelligence as to what his own opinion was. This is put aside now. The account of the wars is simple but clear. His judgment, too, on disputed points seems sound ; he does not reject his authorities without good reason. He is not afraid, as some modern writers are, of believing a story because it is interesting ; he accepts, *e.g.* the story of Themistocles's conduct on the eve of the battle of Salamis, though at the same time he gives reasons for doubting Herodotus's judgment on his motives. His description of the battles is at times spirited and vigorous.

In the latter part he has to deal with more difficult matters. His treatment of Athens under Pericles is rather disappointing, but we must wait till the next volume appears for a full judgment on it ; but here, as in the earlier volume of his work, he allows us too much to feel how strongly he is affected by the difficulty of reconciling his authorities. The

discussion of each detail, *e.g.* that of the population of Athens, of the effect of the institutions of paid juries or of the overthrow of the Areopagus is just and thorough, but we miss the conclusion in which all the details are joined; he expounds the facts, but does not illuminate them. His judgment, too, on Pericles, so far as it is given, is hardly satisfactory; he repeats with wise moderation the ordinary strictures on the morality of his policy, but he does not convey to his readers any conception of the grandeur of its conception and vigour of its execution. There is not much discussion of the authorities, but Mr. Abbott notices the difficulties of using the 'Athenian Constitution;' on some points he rejects it; on others, as on the actions attributed to Aristides, his opinion though less positive is against it. He does not make any attempt to work thoroughly out the difficulties, chronological and others, suggested by it. To have done so would have been outside the limits of this book.

J. W. HEADLAM.

Julius Caesar and the Foundation of the Roman Imperial System. By W. WARDE FOWLER. (New York and London: G. P. Putnam's Sons. 1892.)

MR. WARDE FOWLER has here given us in a handy and clearly printed volume the best account of Caesar that has yet been produced in English. The unpretentious but agreeable, limpid, and always interesting style is such as we have learned to expect from a scholar who is also a man of letters; and the architectonics of the book—the subdivision of its material and the massing of its details—are almost irreproachable. The portrait of Caesar, though idealised, is not flattered out of all knowledge; Mr. Fowler does not omit the Uxellodunum mutilations, as was done by Mr. Froude, nor does he pretend to deny that his hero, who was, to say the least, very human in such matters, risked a great deal more than he had any right to risk for the *beaux yeux* of Cleopatra. 'Oserai-je dire,' says Mérimée,[1] 'c'est par ces faiblesses étrangères à ses contemporains que César me semble si supérieur à son temps et à son pays? . . . On aime à trouver en lui la galanterie qui ne parut en Europe que près de dix siècles plus tard.' The six chapters (out of a total of nineteen) devoted to the Gallic wars, though perhaps a little too dependent on Napoleon III in questions of topography, are very competently as well as picturesquely done, and the three pages (354–7) on the root-ideas of Caesar's imperial system, though they seem to me to draw the line too deep between the Republic and the Empire,[2] are full of fresh and profound thinking, and will interest the reader exactly in proportion as he has himself seriously reflected upon Roman history.

I have said that the portrait of Caesar seems idealised. Though signs

[1] I do not know whether Mr. Fowler adopted from Mérimée (*Mélanges Historiques*, p. 278) the latter's facetious suggestion that Caesar's Gallic tutor, Gnipho, may have given him his first interest in Gaul; but in any case Mr. Fowler seems to be right (p. 14) in taking the point seriously.

[2] That is, as regards the *theoretical* self-government of provincial cities. It is true that, in fact, these rights were so largely overridden under the republic, that a new municipal self-government may be regarded as one of the bases of the empire in its early stages, and no one has brought out that truth so clearly as Mr. Fowler.

book. It is otherwise with the head- and tail-pieces, which have evidently been the exclusive business of the publisher, and which are absolutely grotesque. The Three-Headed Tyranny on p. 103, with Crassus as a much-bewhiskered Jewish financier, is really a masterpiece in its way. There is a misprint in the map on p. 378—'derserta'—and 'Mount Genèvre' (p. 144) seems a doubtful combination. The identification of the winter-quarters in B.C. 54 is surely too positive. WILLIAM T. ARNOLD.

Römische Rechtsgeschichte. Von MORITZ VOIGT. Erster Band. (Leipzig: Liebeskind. 1892.)

THE characteristics of Professor Voigt's work are so well marked and constant that in respect of general treatment and style a criticism of one of his books may serve for all. We know before trying to read it that each fresh product of his industrious pen will be very long, very learned, and terribly dull, and in none of these points has his latest book falsified expectation. It consists, indeed, of not more than 844 pages, but as this is only the first volume, the whole treatise may yet surpass its predecessors in bulk. This kind of criticism would not be quite seemly in a German review, where the length of a book would be the last thing to which objection would be taken. Writing, however, for an English review, it is important to note that the value of the book is seriously lessened by its absolutely repellent style and method. It is unquestionably useful for teachers, for it contains in its copious footnotes thousands of references to the original authorities, and for this much may be forgiven.

But there is, indeed, much to forgive. Professor Voigt has, it is true, avoided the bitterly polemical footnotes which have disfigured many good books, but only by altogether ignoring valuable work, and by unburdening himself once for all in a pompous and ill-tempered preface of a general warning against certain unnamed jurists who have led into paths of error the earnest seeker after truth. This book has the distinction, which may it long preserve, of being the only modern history of Roman law in which there is neither a mention of Ihering's name, nor a trace of his influence. The same treatment has been accorded in greater or less measure to other German jurists, though the references to French, Italian, and Dutch writers are very numerous, and those to Professor Voigt's own writings might be counted by thousands. One illustration of his treatment of the modern authorities will be enough; in the first note to the section on the Lex Aquilia (p. 69) there is a general reference to more than thirty authors, most of them Dutch civilians of the last century. The only recent works mentioned are by Italian and French writers, with the exception of Dr. Grueber's English commentary. The monograph of Professor Pernice, which forms the basis of Dr. Grueber's book, is not referred to throughout the section. Professor Voigt would probably justify this systematic disregard of the views of Ihering and others by alleging their conjectural and theoretic character, his own conclusions being always drawn from the 'Quellen.' And it cannot be denied that he does give chapter and verse for his statements, but the chapter is too often a chapter of one of those preliminary studies of his own to which he refers in his preface, and the verse when examined often contains nothing more than a conjecture. His history bristles with dates and divisions and subdivisions, which give an appearance of accu-

racy very often, and for the earlier part necessarily, quite deceptive. For instance, in the sixth appendix (pp. 828–30), the much-disputed date of the 'Lex Aebutia' is fixed between the years 513–17, contrary, it may be noted, to the prevalent opinion, on the ground of an inference drawn from the statement of Pomponius: 'Sextus Aelius alias actiones composuit.' These, says Dr. Voigt, cannot have been *legis actiones*; the passage must, therefore, refer to the formulary system, and the Lex Aebutia must have been passed before the date of the Jus Aelianum. This is really the basis of his argument, for the so-called 'Beweisgründe aus den institutionellen Ordnungen,' which follow under four heads, consist mainly of dates resting on conjectures of his own, and which, even if correct, would not prove his case. The point itself may not be worth the trouble it has caused, but from an author who devotes an appendix to it one has a right to expect something better than this. It may be safely asserted that many of his dates and positive statements rest on grounds no more substantial. One of the most striking instances, perhaps, of solemn audacity in this book is on page 74, where we find under six heads the points in which the Lex Aquilia is said to show the influence of Latin law. But the Lex Aquilia can have no terrors for an investigator who has written 1,700 pages on the law of the Twelve Tables. It may seem presumptuous to criticise thus a work of such great learning and industry, but while recognising most fully the presence of these qualities, the general impression which remains after reading it is that one does not find in it that sobriety of judgment which would be the only excuse for a book of such unspeakable dulness.

HENRY BOND.

Deutsche Geschichte. II–III. Von Dr. KARL LAMPRECHT. (Berlin: Gaertner. 1892–3.)

THE second and third instalments of this history of the German People in the comprehensive modern conception of history, intended for the general educated reader, on the whole fulfils the promise of the first volume reviewed in the ENGLISH HISTORICAL REVIEW, vii. 547–550 (1892). Dr. Lamprecht, who in the interval has been transferred from Marburg to Leipzig, carries the narrative from the Rise of the Carolings to the Great Interregnum. Not much more than half, indeed, of these two volumes, even if we include the summary of the history of the Netherlands and other outlying German communities which fills the last third of volume iii., is strictly narrative. The rest consists of short carefully elaborated essays, linked on to the narrative proper at suitable points, on such general heads as the origin of feudalism and of the town, the Carolingian renaissance, the intellectual life of the nation under the Ottos and under the Hohenstaufen, and the development and character of knightly society. The outward history of the nation is sketched with lucidity and discrimination from good authorities, and often felicitously illustrated, as when the imposing grandeur of Charles the Great's personality and power is found to be reflected in the passage of his name as the designation for a supreme ruler into the Slav languages (ii. 49), and Professor Lamprecht might have added, Hungarian (*Kiraly.*) But it is the essays, as we have called them, some of which have previously seen the light separately, with an apparatus of notes, in Sybel's 'Zeitschrift' and the 'Deutsche

Rundschau,' which form the characteristic feature of the work, and chiefly invite criticism. To begin with an omission, the administrative system of Charles the Great deserved more than a line or two: the *missi dominici* are only mentioned as having ceased to exist, save in name, under Louis the Pious (ii. 37). In his account of the origin of feudalism Dr. Lamprecht has been more influenced by Waitz than by Roth, though he apparently sees no trace of the royal benefice before Charles Martel's disposition of the church lands. He rejects the interpretation put by Roth upon Pepin's *Divisio* as well as the purely Caroling origin of vassalship.

Perhaps the most valuable chapters are those which analyse the intellectual state of the nation at different times. Upon this, for instance, he is able to throw a most interesting side light by drawing upon his intimate acquaintance with medieval *Ornamentik*. On economical history, too, the author of 'Deutsches Wirthschaftsleben im Mittelalter' speaks with some authority, but his treatment of the much-controverted question (iii. 1–50) as to the origin of the German town is, to say the least, disappointing. On its earlier appearance, with notes and references here omitted, as a separate essay in Sybel's 'Zeitschrift' (lxvii. 385–424), this chapter was somewhat severely handled by specialists on the subject. The subject, indeed, is one in which generalisation is beset with pitfalls even for the specialist. The documentary material is scanty before the twelfth century, and somewhat perplexingly rich in detail afterwards. Until recently there were two rival theories of the origin of the town, that which derives it from the gild, formulated by Hüllmann and Wilda sixty years ago, and ably championed more recently by Karl Wilhelm Nitzsch, and that which regards it as an expansion of the rural township (*Landgemeinde*), accepted by Karl Hegel in his notable book on the Cities and Gilds of the Germanic Peoples,[1] and advocated with more force than courtesy by G. von Below of Münster.[2] It is only within the last few years that the duel has become triangular by the formulation of a third theory which, under the name of the *Marktrechtstheorie*, has been very generally adopted by the younger German historians of town life. It was first put forth in scientific shape by Schröder in his inquiry into the meaning of the Roland figures which are so peculiar a feature of German towns, and by Schulte in his edition of an early *Stadtrecht*, that of Radolfzell, near Constance, of 1100, and systematically applied by Sohm in his 'Entstehung des deutschen Städtewesens'[3] (1890). The mention of *jus fori* or *jus forense* in the constitutions of Radolfzell and other towns as equivalent to *jus civitatis, jus civile*, taken together with the universal existence and importance of the market in medieval towns, has led many to discover the origin of the town in privileges granted by the state to those who made use of the markets which grew up by force of circumstances at this or that point. The grant of these privileges, including the regulation of weights and measures, is thought to have formed a new community or *Gemeinde* having nothing to do with the ancient rural township, and the merchants of the market were, according to this theory, for long the only citizens. This view rejects the idea of the merchants having in this earliest stage been organised in gilds, for the merchant gild played nothing like

[1] See above, pp. 120–127. [2] See above, p. 550.
[3] See above, vol. vii. 340 f.

so important a part in Germany as it did in England, and, with extremely doubtful exception at Cologne, it does not occur in any d ment before the twelfth century, in which, moreover, there is only absolutely certain instance. Dr. Lamprecht has tried to combine three theories. He assigns a share in the origin of German town alike to Gild, Market, and Township. For the merchant gild he cla a high antiquity, although Hegel and others have shown that it canno proved to have existed anywhere in Western Europe before the eleve century, and is absolutely exceptional in Germany, so far as our evide goes, even in the twelfth. His caravan gild, or gild of travelling mercha dissolved with the end of the journey for which it was formed, and development into the gild located but terminable though always renew which is conceived as passing into a third stage of complete permane and official recognition as part of the governing power of the town, ur the Ottos, are pure conjecture, though the ordinary reader of this cha would not suspect the fact. Turning to the notes in Sybel's 'Zeitschr we find that the only proof adduced for the caravan gild, which must supposed to belong to Merovingian times, is a passage in the eleventh-cent 'Vita Heriberti,' which, if it refers to a gild at all, refers to a fixed The gild in its alleged second stage is illustrated by documents relatin one of the late thirteenth century. To the gild in this stage Dr. Lampr assigns powers which exceed those which can be shown from the docum to have belonged to the historical gild. There is not a shadow of proof t the gild in Germany ever 'issued standard weights and measures, erec staples, mended ways,' or 'exercised judicial competence in cases aris out of trade,' or 'had daughter gilds in other cities.' Dr. von Below his recent 'Ursprung der deutschen Stadtverfassung,' suggests that this might serve as preliminary sketch for an historical romance.

Having traced the gild down to the time of its permanent incorp tion and acquisition of public functions, Dr. Lamprecht deserts the s porters of the gild theory. He puts forth the view that, except where gild brethren were the sole owners of land, they were ultimately route the struggle for the control of the town government by the holders market privileges granted by the crown (pp. 32–3). But such a disti tion between gild towns and market towns finds absolutely no support the documents. And as the holders of these market privileges were th selves the merchants of the place (p. 35), whence came the merch gild with which they victoriously struggled? But according to Profes Lamprecht the triumph of the Marktgemeinde was not for long. As s as it attached to itself the neighbouring semi-rural townships and t grew into a city, the assembly and council (*Rath*) of the whole commu thus formed displaced the government of the market judges, the *Schöff senat* (pp. 34–42). The *Schöffen* were certainly ousted by the *Rath*, were much more probably, as Hegel holds, the representatives of government of the lord or *Stadtherr*.

Although we think that this chapter is a weak point in these volu their general merit is undeniable, and the work undoubtedly meets a tinct want in historical literature. JAMES TAIT

Venice: an Historical Sketch of the Republic. By HORATIO F. BROWN. (London: Percival & Co. 1893.)

A BRIGHT, vigorous, and substantially accurate sketch of Venetian history has long been among the most necessary of our many historical desiderata. Mr. Horatio Brown has now to a large extent supplied this want in a work which seldom makes pretence to original treatment, but is drawn from the best sources, notably from Romanin's valuable 'Storia documentata di Venezia.' Moreover, it is inspired by a strong love and intimate knowledge of the city of Venice itself, and is an intelligent and appreciative survey of a great subject.

Mr. Brown wisely aims at making his book a history of the state rather than of the eminent members of the state. He has striven, as he tells us, to 'write a biography of Venice,' rightly believing that 'the personality of the republic overshadows the personality of even her most distinguished citizens.' But except in the earliest portion, where his narrative tends to become a rather tiresome catalogue of unimportant doges, Mr. Brown might with advantage have strengthened the personal side of his narrative. He would certainly have done well had he carried out more in detail the promise of his preface, and connected his history even more closely than he has with the great memorials of Venetian architecture and art. The general arrangement is good, though there is a tendency to anticipate what is told in later pages to an extent which is occasionally rather perplexing. Speaking roughly, the middle parts of the book are the best. Very full and clear are the accounts of the establishment of the constitution, of the fourth crusade, of the war of Chioggia, and of the gradual expansion of Venice from the shores of the lagoons to the Adda. Perhaps no part of the work is so vivid and interesting as the account of the war with Filippo Maria Visconti, which resulted in the acquisition of Bergamo and Brescia, and which involved the dramatic history of the fall of Carmagnola. The account of the league of Cambray is less interesting, partly, no doubt, because Mr. Brown's method of studying Venice almost in isolation becomes less effective in the face of the growth of the European political system. The interest naturally falls off in the later chapters; but Mr. Brown might have made more of Morosini's conquest of the Peloponnesus, and have treated in more detail the final catastrophe of Venice at the hands of Napoleon.

The book is generally accurate, both in its facts and judgments. Mr. Brown clearly points out how inevitable was the establishment of the land empire of Venice, though he might have made his point still clearer had he shown how under no circumstances could a city state of the Venetian type have prolonged materially its existence, and that the wonderful thing about Venice is not so much that she fell at last, as that she continued to exist so long as she did.

Mr. Brown for the most part follows Italian sources, in some cases so completely that he spells non-Italian names after the modern Italian fashion. 'Giacomo' and 'Pierino' Lusignan, 'Isaac Angelo Comnene,' have a strange appearance, especially when Mr. Brown always writes 'Karl the Great,' though he more wisely calls the Bohemian emperor 'Charles IV.' There are a certain number of small slips in dates,

especially in those which are occasionally inserted in the margin. Th summary prefixed to each chapter is, in one or two cases, an inexa description of its contents, and the index, though very fairly good, is n quite exhaustive. A very little care in revising for a second edition woul put all these matters right, and would give the book a still more work manlike appearance. Once or twice, also, Mr. Brown's passing reference to general history are in need of slight revision or reconsideration. A regards the style, the book, though bright and interesting, fails perhap in emphasis, while technical phrases and expressions are rather to often slurred over, or half explained. Sometimes Mr. Brown's choic of language leaves something to seek; as, for instance, when he speak of the phase of the existence of Venice 'in which the ascendant curve o her parabola is completed' (p. 259), and when, a few pages later, he use words so uncouth as 'fisc' and 'dedition.' T. F. Tout.

Notes on the Oxfordshire Domesday. By J. L. G. M. (Oxford: Clarendon Press. 1892.)

The great obstacle to progress in our knowledge and understanding o Domesday is the want of trustworthy local information. If local workers would simply arrange, analyse, and classify the complete returns for a county, they would render the Domesday student infinite service. In this little treatise, the chief object aimed at has been 'to afford an exact means of identifying the places mentioned in the Oxfordshire Domesday.' If the identifications are correct—and there is no reason t doubt it—useful work has been done, though some manors, as might b expected, still defy identification. The addition of a sketch-map of th county is most welcome. One wishes, however, that the author had bee able to reconstitute the Domesday hundreds.

The 'Notes,' following the system favoured by Eyton, are based, in th main, on collation of Domesday with the 'Testa' and the 'Hundre Rolls,' especially the former. The gap, however, is too great to be easil bridged over, and the task requires an exceptional knowledge of earl genealogy. One hesitates to think it possible that the author is un acquainted with the essential fact that the 'Testa' is a *congeries* of return of different dates. But he certainly writes as if he were. Thus we fin (p. 4): 'p. 107, Walterius (but Galfridus, p. 118) de Hauvill,' and (p. 5) Gerard de Lindesy (p. 102) . . . . is called (p. 117) David de Lyndesey, as if the entries contradicted each other, instead of referring to successiv holders. The dating and classification of the 'Testa' returns, a tas which Sir H. Barkly has elaborately accomplished for Gloucestershire, is in fact, an essential preliminary to these inquiries. Again, the persona identifications are at times unfortunate. Thus we read of land at Kid dington held by 'Radulfus' of Earl William (Fitz Osbern), that it wa later held 'of the Honour of Castle Richard; so Radulfus is Ralp Mortimer.' But 'Radulfus' was a mere under-tenant, and even if he ha held an 'honour,' it could not have been that of 'Castle Richard,' whic at the time was held not by Ralph Mortimer, but by Richard's so Osbern. Similarly, because land at Little Tew, held by 'Hunfridus' a under-tenant, was afterwards held of 'the Earl de l'Isle,' we are told tha 'Hunfridus is probably Hunfridus de l'Isle.' This confuses not merel

the tenant with his lord, but—an error which runs through the treatise—the identity of 'Earl de Lisle' as he is formally termed (p. 25). The author cannot, evidently, be aware that the Earls of Devon, of the 'Redvers' family, were also termed 'de Insula' from their lordship of the Isle of Wight. Both the Peverels, moreover, are identified with the 'Honour of Nottingham,' whereas the honours of 'Peverel of Nottingham' and 'Peverel of London' were always kept distinct. These slips, however, do not detract from the value of the local information in this tract.

J. H. Round.

Regesta Regni Hierosolymitani (1097–1291). Von Reinhold Röhricht. (Innsbruck: Wagner. 1893.)

Dr. Röhricht has long been one of the mainstays of the late Comte Riant's Société de l'Orient Latin, to the publications of which it is needless to call attention here. Every volume of that series (so far as I am acquainted with them) is a model of the editor's and publisher's arts. The introduction to each is a model of all that an introduction should be; full and yet not too full; clear and yet not redundant; precise and yet not obscure. Whenever facts can be given by tabular demonstration, this is done; and if a reader wishes to know the age of any manuscript used for the rectification of a text, he has only to turn to the page preceding the editor's reprint. There he will find all the information wanted in the space of a few lines. I may add to this, above everything else, that the volumes are not over-noted; that what notes there are are to the point; that dates are given freely; that at the end of each volume (at least so far as Dr. Röhricht is concerned) is given an elaborate chronological table, almost perfect in arrangement, and embracing every date and every circumstance mentioned by the author; and lastly that each volume is furnished with a pretty complete index. Among all the works of this excellent series none are better than those of Dr. Röhricht. His first volume on the minor writers of the fifth crusade is perhaps the best edition of any series of crusading writers yet published. I say this deliberately. For, so far as scholars are concerned, the merit of an editor's work depends even more on what he omits than on what he inserts. Any one using Hagenmeyer's admirable and scholarly 'Gesta Francorum' or the same writer's 'Walter the Chancellor' must have wished, many and many a time, that the editor had known when to be silent. Note on note, reference on reference, is simply a waste of ink and time; a waste not merely of the writer's time, which of course is a matter that concerns him only, but a waste of the reader's time also—a waste that many a reader must resent. But in Dr. Röhricht's work we find little, perhaps none, of this redundance. He leaves his author's text alone, and does not deem it necessary if he mentions Tancred's name to quote in a footnote every passage from every author who has ever chanced to speak of this crusader. Not that I wish to imply that everything that even Dr. Röhricht has printed is worth the printing. Personally I hold that it was a sin to print the second volume of 'Collections' from historians of every nation dealing with the fifth crusade. Such collections are of no use to the genuine scholar who will find the passages for himself. In

those who are not genuine scholars they merely foster a spirit of che sciolism. No one can use an extract from a medieval writer as it shou be used, unless he is previously acquainted with the general tenor of th writer's work.

When, however, we turn to the present volume, which is a publica tion independent of the Société, there is little but praise to give. Th 'Regesta Regni Hierosolymitani' is all that we should expect from th editor of the first volume of the 'Scriptores Minores Quinti Belli Sacri. From beginning to end there is not a word thrown away. So far as have examined them, the summaries are brief but full enough. The book is furnished with copious indexes both as to geographical and personal names; the notes are short and to the point; a concise glossary is given, and, above all else, an admirable list of the authorities used. None but those who have worked long and tediously at the many tomes over which the charters of crusading kings are scattered can esti- mate a tithe of the labour, the knowledge, and the skill that must have gone to the production of this volume. It would be impossible to convey to outsiders any fair impression of what the compilation of such a book implies; none but those who have worked at the question and the period can estimate its utility and its value. To criticise a volume of this kind at any length is clearly impossible. I will only suggest one or two things that have struck me in turning over its pages. On p. 12, Dr. Röhricht accepts the Comte de Mas-Latrie's theory that the 'Hugh de Puzath' who signs the charter of 1109 or 1110 cannot be Hugh de Puiset. Now, here I think that Dr. Röhricht and the Comte de Mas-Latrie go far beyond their warrant. It is true that Hugh de Puiset did not, in all probability, settle in the Holy Land till many years later, but there is nothing to prevent his having been in Palestine in 1109 or 1110. Indeed, I may go further and say that he certainly was there in one or other of these years. Orderic Vitalis says that he left France in 1106 or 1107, and joined Boamund in his expedition against Dyrrhachium. This expedition carries us on to the latter half of 1108. From Apulia, Hugh went to Constantinople where Alexius received him with high honour, and after a stay in the im perial city he passed on to the land of Jerusalem. This brings us to the year 1109 or 1110, the date of the charter. It is true that Hugh de Puiset returned to France, but there is nothing to prevent his having signed a Palestinian charter in 1109 or 1110. It may be noted that Dr. Röh richt dates the great census of Baldwin IV, 1182. Now William of Tyre, if read carefully, shows most distinctly that this census belongs to 1183. A minor error is that which dates the Simon de Montfort letter May 1241 instead of June. I cannot comprehend the note on p. 172, which seems to throw back the accession of Guy de Lusignan to March or even February 1186. I am glad to see (so far as I know, for the first time in any finished book as distinct from papers) a statement of the true date of Amalric I's decease. Several years ago in an article for the ENGLISH HIS- TORICAL REVIEW (Jan. 1889), I proved this date to be 1174, and not, as almost universally received, 1173. I gather from Dr. Röhricht's note that he came to the same conclusion in 1891, and it is a matter of great satisfaction to me to learn that he has, by an independent train of reason- ing, arrived at the same results as myself. There are other dates, how

ever, that still want settling. Did Baldwin I die in 1130 or 1131 or 1132? Was John de Brienne crowned in 1209 or 1210?

It is much to be desired that Dr. Röhricht should undertake a work for which he is better fitted than any man living, and give us an edition of the 'Scriptores Majores Belli Sacri Quinti,' James de Vitry and Oliverus Scholasticus, adding to James de Vitry's 'Historia Orientalis' that still rarer work, the 'Historia Occidentalis.' By so doing, he would add to the many benefits he has already heaped upon historical students—a greedy race whose gratitude is evinced by persistent fresh demands.

T. A. ARCHER.

Superstition and Force: Essays on the Wager of Law, the Wager of Battle, the Ordeal, Torture. By HENRY CHARLES LEA. Fourth Edition, revised. (Philadelphia: Lea Brothers & Co. 1892.)

Ordines Iudiciorum Dei nel Missale Gallicano del XII Secolo della Cattedrale di Palermo. Di FRANCESCO GIUSEPPE LA MANTIA. (Palermo: Carlo Clausen. 1892.)

WHEN such a book as Dr. Lea's reaches a fourth edition, our first compliments are due rather to the public whose good taste has surprised us than to the author. Dr. Lea has nowhere courted a great public, unless it be by a title-page which had the effect of deterring from his book at least one reader who now has a profound admiration for it. But permanent success is not to be won by title-pages, and the stern sentence which heads the preface—'The history of jurisprudence is the history of civilisation'—is enough to scare away the idle. On the whole, we must infer, and rejoice in the inference, that, despite his learning and his sobriety, Dr. Lea has found many readers for his book. We can here only speak of it as of a well-known book. In revising it for its fourth edition Dr. Lea has had the advantage of using Dr. Patetta's exhaustive treatise on the ordeal and Mr. Neilson's able and entertaining essay on trial by battle. Hence some additions, chiefly new illustrations of old themes. Dr. Lea still pursues his policy of ignoring, if not German erudition, at all events German theories and German controversies. Of course, there is something to be said against this policy, even when it is pursued by one so learned and so circumspect as Dr. Lea. Some points will be missed, especially some of those points of which lawyers are wont to make much, and perhaps some mistakes will be made, especially in the interpretation of legal documents which are apt to seem all too simple until lawyers have fought over them. We should like to have had Dr. Lea's judgment on the questions that Dr. Karl von Amira has been raising. In this as in many other cases the future of legal history seems to lie in the hands of those who can study Scandinavia at close quarters. But a little more criticism of current theories might have been very dearly purchased at the cost of originality. It is Dr. Lea's glory that he is one of the very few English-speaking men who have had the courage to grapple with the law and the legal documents of continental Europe. He has looked at them with the naked eye instead of seeing them—a much easier task—through German spectacles. We trust him thoroughly because he keeps his gaze fixed on the middle ages, and never looks round for opinions to be refuted or for quarrels to be picked. This is not exactly

the policy that we could recommend to any but a strong man. Dr L however, is strong, and sober, and wary.

The literature of 'Ordines Iudiciorum Dei' is steadily growing. Sig La Mantia has published a ritual for the unilateral ordeals that is fou in a missal belonging to the cathedral of Palermo. This ritual seems be of the common Frankish type, and its editor argues, as agai Dr. Patetta, that its existence in the missal of a Sicilian cathedral d not prove or go any way towards proving that the judgments of God w employed in Sicily. The book, he says, is a Gallican missal written France. The Normans brought with them to Sicily French mass-boo and the trial by battle, but there is no proof forthcoming that th introduced the boiling water and the hot iron.

F. W. MAITLAND.

Étude sur le Liber Censuum de l'Église Romaine. Thèse de docto présentée à la faculté des lettres de Paris. Par PAUL FABR (Paris: Ernest Thorin. 1892.)

THE first part of M. Fabre's edition of Cencius' 'Liber Censuum,' dra up in 1192, has already appeared in the 'Bibliothèque des Écoles Fra çaises d'Athènes et de Rome' (2e sér., vi. 1, 1889), and the editor now pu lishes an essay which contains an account of the nature and contents the whole book. The first part deals with the rents received by the papa from her Italian estates, and from the Italian churches committed to h protection. The 'census' paid by countries and churches more remo from the seat of the papacy presents features of greater interest, becau the reasons for the payment are less obvious; the part which contains t account of the payments from England cannot fail to be of great intere even though it be a mere list of the churches and monasteries, and their payments to Rome, for it is not probable that the scattered notic in Jaffé's 'Regesta' give a complete list of English papal privileges ma in return for payments. That little stress has hitherto been laid on tho passages in papal privileges which mention tributes or small annu payments is seen when in a work like Blumenstok's 'Der päpstlic Schatz im Mittelalter' the subject is dismissed in a sentence becau the author thinks that the payment was a merely formal recognition the papal protection since the sum is generally trifling in amount; but t 'Liber Censuum' shows that the sums, even if we include those fro monasteries only, came to a large total.

After giving an account of the compilation of the 'Liber Censuun by Cencius Camerarius, afterwards Honorius III, and of the earlier wor of Pope Gelasius and of Gregory the Great, on which it was based, M Fabre proceeds to discuss the origin of the papal commendation whi men, churches, monasteries, towns, provinces, and kingdoms eager sought and were willing to pay for. What was desired was the 'tuici 'tutela,' 'protectio,' 'patrocinium,' 'defensio' of Saint Peter. To be his 'mundiburdium' was to be safe. The desire to be under papal pr tection increased with great rapidity on the continent, when commend tion to the patronage of the Carolingian princes was found to be of litt value as a defence against the 'invasion' of rights and privileges.

England it was not till after the Norman Conquest had introduced this amongst other continental usages that commendation to St. Peter became a general practice, at least in the case of those monasteries which claimed immunity from episcopal jurisdiction. Blumenstok's list of the number of letters of protection granted by each pope gives statistical evidence of the growth and decay of the practice. From the end of the seventh to the beginning of the eleventh century, popes granted them in numbers varying from one to twenty-five; from Alexander II to Eugenius III (1061–1145) the number steadily increased, reaching a maximum of 397 under Eugenius. Until Gregory IX (1227) 200 were granted on an average by each pope, and from that time the numbers steadily diminish.

The early instances of payments to Rome, which are really rents for papal lands leased to monasteries, must be distinguished from the payments in recognition of the papal 'eminent domain.' Of this last the nunnery of Lucca affords the first instance; by its charter of 790 it was required to furnish annually for the lights of St. Peter's, Rome, oil to the value of ten shillings, 'pro sua protectione.' The next genuine instance is of a century later, in which Gerard de Roussillon's monasteries agree to pay an annual 'servitium' of a pound of silver. At the end of the ninth century examples multiply; by the end of the eleventh century the form was altered, and the grant made thus, 'Ad indicium autem perceptae hujus a Romana ecclesia libertatis Lateranensi palatio quotannis persolvetis.' What monasteries prized as much as the papal protection against disturbance by outsiders, was the right to choose their abbots freely, by election, according to the rule of St. Benedict. Gradually, too, the idea of protection was extended and taken to imply exemption from episcopal jurisdiction: the payment became not a formal recognition of papal suzerainty, but the price of it; to pay the price was to secure the exemption.

But it is not the tributes of monasteries only that the 'Liber Censuum' records; Cencius says in his preface he intends to include 'etiam civitates, castella, ville vel domus speciales, seu qui reges aut principes, in jus et proprietatem beati Petri persistentes.' In the eleventh century great lords began to pay tribute to the see of Rome for protection of their castles and lands; for instance, in 1091, the count of Barcelona placed the city of Tarragona 'sub apostolicae sedis tutela' on payment of an annual tax of twenty pounds of silver. In such cases the commended territory became in all essentials a fief of the papacy, though as yet the word was not applied. As in the case of monastic privileges, the tribute had a different meaning at different periods. The payment of tribute was ultimately taken to indicate that a principality or kingdom was a fief of the Holy See. Alexander II reminded William the Conqueror that England had been since her conversion 'in manu et tutela Apostolorum principis,' and paid an annual sum in recognition of the service Rome did her in bringing the Christian faith to her shores. Gregory VII claimed it as the outward symbol of his 'eminent domain.' Henry II, fearing for the safety of his kingdom, could write to Alexander III in 1173, 'Vestrae jurisdictionis est regnum Angliae, et, quantum ad feudatarii juris obligationem, vobis duntaxat obnoxius teneor.' England is 'patrimonium b. Petri;' John himself could hardly say more. This was the inter-

pretation that came to be put on the 'royal alms' bestowed by Æthelwulf, perhaps by Offa, in recognition of benefits received from Rome.

M. Fabre gives some interesting extracts from a treatise drawn up by Pietro Griphi about 1510 describing his visit to England for the collection of Peter's Pence. The total sum he obtained was 179*l.* 6*s.* 8*d.*, precisely the same sum that is entered by Cencius, in 1192. The bishops had undertaken to farm it, and the amount paid by each diocese is recorded. The sums varied from 21*l.* 10*s.* paid by Norwich, to 5*l.*, paid by Ely. Though M. Fabre's work is distinguished by great critical acumen when he is dealing with the broad outlines of the development of the 'Census,' at times he accepts evidence from very doubtful sources without hesitation; the payments made by Ina and Offa for the English school at Rome, and Offa's grant in return for privileges to the monastery of St. Albans, are not supported by authentic evidence, and we are sorry to find the false Ingulph of Crowland quoted (p. 136) as a writer of the eleventh century. MARY BATESON.

The Early History and Influence of the Office of Coroner. By CHARLES GROSS. Reprinted from the 'Political Science Quarterly,' Vol. VII. (New York. 1892.)

IN this learned paper Dr. Gross draws a more elaborate and accurate picture than has yet been drawn of the coroners as they were in the first age of their existence. The point in his essay that is likely to attract most attention is, however, this, that he combats the generally received theory which would trace back the coroner's office to the articles of the eyre of 1194 and no further. 'It is evident,' he thinks, 'that chapter 20' of those articles 'is merely a declaratory act, referring to an institution which was already in existence.' In support of this contention he relies upon three documents.

In the first place there is upon the Curia Regis roll for the Michaelmas term of 1194 an entry which indubitably proves that in the November of that year there were coroners (*milites custodientes placita coronae*) in Lincolnshire. It seems to prove somewhat more than this; it seems to show that Geoffrey Fitz Peter and William de Stuteville had found coroners in Lincolnshire during the eyre from which in November they had just returned. This, of course, the accepted theory would lead us to expect, and it does not aid Dr. Gross's attack. He urges, however, that these coroners bore witness to something that happened before the issue of the articles of the eyre. Let it be granted that they did so; the inference that they held an official position at the time when that something happened is by no means a necessary inference. That something was a proceeding in the county court; the coroners were knights of the shire, and, after all, they only said what the whole county said. Dr. Gross has not noticed the fact, for fact it seems to be, that the two justices who report the case to the court at Westminster are two justices who have visited Lincolnshire in the early autumn of 1194, and his attempt to throw back their visit to 1190 or 1189 is not required by the text. In the second place he relies upon a clause in the well-known charter granted to the Londoners by Henry I: 'et iusticiarium qualem voluerint

de se ipsis ad custodiendum placita coronae meae et eadem placitanda.' In the third place, on a charter granted to the burgesses of Colchester by Richard I in 1189: 'quod ipsi ponant de se ipsis ballivos quoscumque voluerint, et iustic[iarios] ad servandum placita coronae nostrae et ad placitandum eadem placita infra burgum suum.' Now it is very true that one part of the formula used in each of these cases is apt to describe the coroner's office. The duty of a coroner in after times is *custodire placita coronae*, and, no doubt, *servare* is equivalent to *custodire*. But, then, in these cases, the same person is both to keep and to hold the pleas of the crown, and his formal title is to be not coroner, but justiciar. On this last point no stress should be laid, for we are not discussing the history of a word. The term *coronarius* or *coronator* has not been found before John's reign, and *custos placitorum coronae* long remains, perhaps always remains, the coroner's most formal title. But if the discussion is not to become one merely about the use of words, it seems necessary to insist that from 1194 onwards we have in the coroner an officer who, while he is bound *custodire placita coronae*, is not entitled, or, at all events, not empowered by the terms of his appointment, *tenere* (or *placitare*) *placita coronae*. Is not this the very essence of the matter, that in the coroners we have persons whose duty it is to 'keep' pleas, which other persons are to 'hold'? To safeguard the interests of the crown, until they can be brought before some other officers, this is their special business; but they are not to preside in court when those interests are in debate. On the other hand, the civic justiciar was—or perhaps we ought to say, would have been, if Henry I had kept word with the Londoners—very much more than a coroner. He would have been one *qui custodit et placitat*, or, as would have been said a little later, *qui custodit et tenet placita coronae*, a magistrate whose work begins with the pursuit of the criminal and does not end until sentence has been passed, a magistrate who is supreme in his district.

The main interest of the early history of the coroner seems to lie just in this differentiation of duties: one man should be told off to preserve, as the phrase goes, those pleas which another man will hear and determine. Unless we take this distinction, there seems no reason why we should not say that the sheriff of the Conqueror's, or even of Canute's reign, is a coroner, for no doubt it is part of his duty to 'preserve' the pleas of the crown, or, to use an older phrase, those rights which the king has over all men. But then he is bound to do much more than preserve them; he is to hold and 'plead' them; he is *exactor et placitator Regis*. The most, then, that these two charters seem to show is that the two duties can already be conceived as distinct duties. There is a yet more remarkable passage on the one pipe roll of Henry I's reign, and this seems to have escaped Dr. Gross's diligent eye. Under the heading 'Norfolk and Suffolk' one Benjamin accounts for 4*l.* 5*s.*, *ut custodiat placita quae coronae Regis pertinent* (p. 91). One would like to know more of this Benjamin, and the historian of the Jewish exchequer may know more. A Benjamin who has no surname looks uncommonly like a Jew, and perhaps the pleas that he wishes to 'keep' are pleas concerning the Jews. It is not very easy to imagine that Henry I set a Jew in authority over Christians, but about this matter no one is better entitled to an opinion than Dr.

Gross. However, until he shows that before 1194 the duty of 'l the pleas of the crown was normally or often committed to pers were not to 'plead' or 'hold' them, he has not, so I venture t reduced the famous article of that year to the level of 'a declarat and orthodoxy must be left in possession of the field.

F. W. MAIT

L'Histoire de Guillaume le Maréchal, comte de Striguil, et de Pe Régent d'Angleterre de 1216 *à* 1219. Publiée par Paul Tome I. (Paris: Société de l'Histoire de France. 1891.)

THIS is the first of three volumes (of which two are to deal with th containing 10,152 lines of a new and important source for a p English history that is by no means well illustrated by existing chr Edited from the unique manuscript at Cheltenham by M. Paul its discoverer, the poetic biography of William the Marshal m appearance under the best of auspices. The present instalmen prising sixty-seven of the four-columned pages of the MS.) ope the life of John the Marshal and his adventures in Stephen's days, which for some time the hero William, his second son, is a hostage father in the king's hands. William at the accession of Henry II abroad to the chamberlain of Tancarville, who knights him af gallant defence of Neuchâtel. He becomes one of 'the good kni the world' and proves his prowess at a splendid series of tourna comes to England and is well received by his mother's brother the good earl of Salisbury, whom he accompanies in the exp against the Poitevins. But the earl is slain in an ambush and W is sorely wounded and imprisoned, till queen Alienor ransoms he champion. When the young king, *li giemble reis*, is crowned he is into the marshal's charge by Henry:—

> Li reis ovoc sum fiz le mist: Granz bienz a faire li pramist
> Por lui garder et esseignier: 'Ici na mot de bargainnier,'
> Ce dist li mareschals por veir: 'Et gen ferai tot mon poeir.'

After the 'war of the three kings,' when peace was made, Apri William went with the young king to France at the old king's r and there at a succession of tournaments added to his own r helped the young king to 'revive knighthood' and wipe off the re that has begun to attach to the English owing to their want of these warlike sports.

> Dex! comme a grant chose en proece: E en bonté e en largess
> En sens quant il sunt mis ensemble: En un sol home, ce me se
> Mais ben savez que ceste vie: Est si raanclee denvie
> Que maint i a qui tant la liéve: Par poi quil meïsme nen criév
> Quenvie par dreite raison: Si art tot avant sa maison
> Que ele puisse ardeir lautrui: Ne quel puisse nuire a nului
> Quant ele a la soe alumee: De son feu e de sa fumee
> La son procein veisin alume

And so envy, 'false and bitter,' brought the marshal into the king's disfavour, and in spite of the 'good flemish earl,' he was allo leave his service. At Caen, at a *feste plénière* before Henry II, W

offers to prove his innocence against any three of his accusers, but is refused wager of battle, and accordingly asks for a safe conduct and withdraws from court. Baldwin of Bethune remains his fast friend, and the duke of Burgundy and the earl of Flanders offer to take him into their service, but he resolves to make a pilgrimage to the Three Kings of Cologne, and when the war breaks out again between the young king and his father, Geoffrey of Lusignan advises the former to send for the help of his good knight and true servant, acknowledging the falsity of the charges against him. So after a message to this effect delivered by Raol Godefrei and letters obtained from the king of France, William returned to the young king shortly before his death in 1183. He received his master's last wishes, became security for his debt to Sanche the routier, and in fulfilment of a promise to carry the cross to the sepulchre for him set off to the Land of Behest after a brief visit to his sister.

> En Sulie fist tant proece: Tant herdement, tante largece,
> Tanz beals faiz kainques nen fist tanz: Nul qui i demorast vij ans
> Qui bien sunt sëu desque a ore: Sis recitera hom encore,
> En maint lieu devant maint prodome.

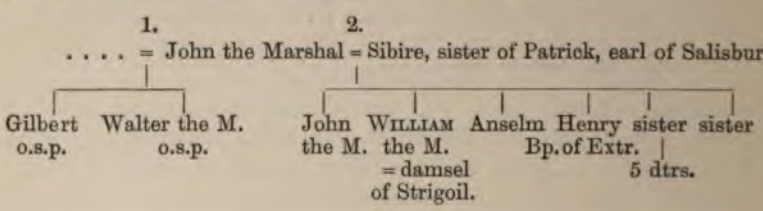
On his return the king gave him the 'damsel of Lancaster' and her 'tenement,' but he did not espouse her, and she afterwards married Gilbert fitz Reinfried, 1189. The war began again between England and France in 1188, and in it William took a chief part. When the king of France proposed as his champions for a wager of battle the earls of Flanders, Clermont, and Dreux, and Drieu of Merlon, he offered to meet them with William of Mandeville, John of Seeneis, and Osbert of Rovreis. But the earl of Flanders refused the meeting. In Richard's war against his father 1189 the marshal saved the old king and checked the pursuit by a bold feat:—

> Ses esperons feri tot dreit: Al conte Richard ki veneit,
> E quant li quens le vit venir: Si secria par grant haïr
> 'Per les gambes Dieu, mareschal: Ne m'ociez: ce sereit mal,
> Ge sui toz desarmez issi!' E li mareschals respondi
> 'Nenil! Diables vos ocie!: Car jo ne vos ocirai mie!'
> Si feri sor son cheval lors: De sa lance parmi le cors,
> Que il morut en es le pas: Unquoes avant nala un pas,
> Ainz morut et li quens chay: Ce fo beals cops . . .
> . . . . . Et si vos di bien endreit mei
> Que pus ke Dex par sa soufrance: Se laissa ferir de la lance
> Par un cop ne fu tel rescosse: De lance . . . .

When the old king died of disease and grief, 6 July 1189, the marshal met Richard, who forgave him the lance-thrust, sent him on a mission of trust to England with Gilbert Pipart, gave him the 'damsel of Stregoil,' and restored the lands in Ireland which had been unjustly aliened by John. William married the lady, and spent his honeymoon at Stokes D'Abernon with Sir Ingelram, 'a peaceable, easy, and delectable place.' When Richard went on his crusade, William, who had already done his duty in the Holy Land, was left at home in England. Here he took part in the opposition to William of Longchamp, and afterwards to John, along with the queen mother his early patroness; got the bishopric of Exeter for his younger brother Henry; largely helped

to raise the king's ransom, and was prevented by the king's urg message on his home-coming from going to the burial of his el brother John We leave him at the close of the volume in council w Richard, who publicly thanks him and his friend Baldwin of Beth for their dutiful behaviour, for without them 'he would never have out of prison.'

This brief analysis of course gives no adequate idea of the wo of this poem, the wealth of detail respecting life and thought in t thirteenth century; a whole literature, so to speak, respecting tour ments and war, numerous charming anecdotes of William and his frie and foes, from King Stephen his captor down to John Derles his squi and Blancart, his warhorse; an excellent account of the empress's flig to Marlborough, and of John the Marshal's bravery and plain-speakin a good deal of fresh biographical and genealogical material of all kin The genealogy is thus given in the early part of the poem:



There are two or three passages where one would differ from M Meyer in his interpretation of this difficult manuscript, but not witho acknowledging the ever careful and conscientious way in which he h treated his text; thus, 5102, *le tot* seems better than his propos *lescot*; 1552, *Tote Surrie* is wrong, the original must have read *To Susseise*; 9160, for *biffe* read *bisse*; 9508, the pun respecting Alien is not clear, though 9623, the play on Kedevill and 'Devil' seems pret evident. It is not easy to criticise the doubtful readings without facsimile of a few pages of the manuscript, which we hope M. Mey will supply in the next volume. One can only see that *g* and *s*, *c* a *t*, *cl* and *d*, *t* and *b*, *s* and *f*, *t* and *i*, *N* and *D*, *o* and *d*, *e* and *c*, *t* and are frequently confused by the scribe in reading his archetype.

The list of knights at the tournay at Lagni-sur-Marne held by t young king is worth giving:

French (20). Earl Robert of Dreux, Sir Simon of Rochefort, Willia of Barres, and William his son, and Simon his brother, Sir Peter Leschans, Sir Amalri of Mellent, Sir Miles of Chaalon and Macaire h brother, Sir Adam of Meleun, Sir Odo of Plaissie, Sir Theobald of Vale goujart, Sir William of Borri, Sir Herman [or Hervey] of Brie [Trie], S Stephen de la Tor, le povres Wauchier, Sir Qorin of St. Servin, S Guifreis of Viane, Sir Robert of Bouvreche, the earl of Soissons.

Flemings (19). Sir Baldwin of Bethune, Sir William of Kaieu, S Adealmes of Fontaine, Sir Eustace of Nevill, Sir Eustace of Cantele Sir Ingelram of Fienes, Sir Hue of Malalnei, Sir Ralf of Plomket, S Baldwin of Karon, Sir Hugh of Hameleincort, Sir Cardon of Freissenvil Sir Eustace of Champaigne, Sir Roger of Gaugi, Sir Robert of Bealrei

Sir Baldwin d'Estrepi, Baldwin of Wartemberge, Roger of Hardeincort, William of Poternes, Guizelin of Wartemberge.

English (13). William the Marshal, Robert f. Walter, Earl David, Robert of London, Simon of Mares, Sir Robert of Wancy, Sir Walter of Ely, William f. Roger, Sir Robert of Leborne [Leybourne], Sir William Revel, Sir Anselm the Marshal, Sir Richard of Berkelai, Sir John of St Michel, Sir Robert li Bretons.

Normans (27). Earl Henry of Ou, Robert of Estotvile, Sir John of Preials and Peter, Roger, William, and Ingelram, his brothers; Reinald of Vassonvile, Sir Girard Talebot, William and Robert of Trublevile, brothers; Sir Adam of Ikebou, John Maleherbe, Sir Robert Tresgoz, Henry of Longchamp, Thomas and Hue of Cholonces, Raoul of Hamarz, Sir Robert Chaperon, Sir William of Clive [Dive], Sir Robert of Buissun, Robert de la Mare, Sir William le Cras, Sir Roger and Piers of Bondevile, Alexander of Arsic, and Alexander Malconduit.

Angevins (6). Sir Jakelins of Mailli, Harduins of Feugerei, Sir Guifrei of Buislou [Bruslou], Sir Robert of Bloc [?], William of Tinteniac, Sir Guifrei f. Hamon.

This is one of the earliest rhymed lists of knights (a link between Wace and the Caerlaveroc roll). There are in it, as the text says, some 'four-score chosen knights' (the four earls omitted) out of fifteen that bore banners and two hundred or more knights that always followed the young king, and as there were nine or ten other earls, as well as the duke of Burgundy, each with a following, it is reckoned that about 3,000 knights were present at this great and notable tournament. We must wait for M. Meyer's commentary to gain full elucidation on the worth of this roll, the authorship and date of the whole poem, the sources at its composer's command, its exact value on many disputed questions, and much else in this delightful and welcome *trouvaille*.

F. York Powell.

Innocenz IV. und das Königreich Sicilien, 1245–1254. Von Carl Rodenberg. (Halle: Niemeyer. 1892.)

In this essay Dr. Carl Rodenberg briefly but admirably delineates the action of a pontiff who greatly influenced the issue of the last struggle between the church and the house of Suabia. It was a mortal struggle which, as Rodenberg aptly remarks, decided not only the prerogatives of the papacy and the empire, but also their pre-eminence in Italy, which was equally vital for both. As long as the crowns of Sicily and Germany rested on one head, it was inevitable that they should end by securing to their possessor such a sway over northern Italy that should involve the papacy in the serpentine folds of irresistible power. When the fiery Gregory IX was followed after another short reign and a long interregnum by Innocent IV, it appeared for a moment as if men's weary spirits inclined sincerely towards peace, but the inevitable conquered, and soon every possibility of agreement was destroyed, proving the truth of that saying attributed to Frederick II when he heard of Innocent's election: 'I have lost a friend, for no pope will ever be a Ghibelline.' Innocent's rapid, unexpected journey to Lyons and the council held there determined the reciprocal position of the two adver-

saries, as also the pope's position towards Frederick's heir, Conrad IV. On this Dr. Rodenberg has a chapter well worked out, in which he comes to the conclusion that Conrad could not but be involved in his father's struggles and suffer their consequences. The excommunication hurled at Lyons against Frederick was a harbinger of this renewed struggle, in which the activity of the papacy against him was sustained in Italy and Germany by able and determined legates, whose action is put well in relief by Dr. Rodenberg with the help of numerous documents, among which the collections edited by Winkelmann and by Dr. Rodenberg himself are especially worthy of note. Perhaps the recent publications of Signor Guido Levi with regard to the legation of Cardinal Octavian Ubaldini might have been of service to the author, and we think he would have gained something from Professor Calisse's essay on the patrimony of St. Peter in Tuscany and Professor Carlo Merkel's writings on Charles of Anjou; his essay however is essentially based rather on contemporary documents than on the labours of more recent writers. During the struggle, which grew more and more violent till the death of Frederick, the tenacious activity of Innocent never relaxed; indeed, it only ceased with the pope's own life. The consequences of Frederick's death, the efforts made towards a reconciliation between Conrad IV and Innocent, and, when these failed, the various attempts to treat with Richard of Cornwall, Charles of Anjou, and Edmund of England, finally the relations between Manfred and Innocent up to the death of this latter, all these matters are related with the profound knowledge of contemporary sources that we might naturally expect from Dr. Rodenberg. Moreover in this essay the author has proved himself not only to be a good editor of documents, but also an acute judge of their value and significance. We may mention as clear evidence of his historical insight the character of Innocent IV, traced by him at the beginning of the book, and the parallel drawn between it and that of his great adversary, Frederick II.

UGO BALZANI.

Statutes of Lincoln Cathedral. Arranged by the late HENRY BRADSHAW, sometime Fellow of King's College, Cambridge, and University Librarian; with illustrative documents. Edited by CHR. WORDSWORTH, M.A. Part I: *Liber Niger.* (Cambridge: University Press. 1892.)

THIS book is a monument of analytical criticism, worthily raised to the memory of a master among palæographers by the devoted labour of a friend who has completed with rare zeal and learning the sketches and fragments entrusted to him. Mr. Wordsworth's modesty has left the reader to discover for himself how large a part of the volume is due to his own researches in following out Bradshaw's notes and memorandums; but he has in all cases carefully distinguished the authorship of the several portions. When we remember the intricacy of the problems to be solved and the great mass of materials to be digested, we cannot be surprised that the composite production sometimes fails in uniformity, clearness, and proportion. Had the work been limited to the publication of the text of the 'Black Book,' the editors would have placed us under a heavy debt; but the text itself forms less than a third of the volume, and the rest is filled by an elaborate examination of all the known constitutional documents of

the church of Lincoln, an examination which not only establishes for the first time their true import and relation, but also throws a flood of light upon a variety of matters of high interest to the student of English ecclesiastical history.

The main question to which Bradshaw addressed himself was to ascertain what were the statutes which the chapter of Lincoln swore to observe. The volume of statutes printed by Bishop Christopher Wordsworth in 1873 contained the body of statutes drawn up by Bishop Alnwick in 1440, the 'Statuta Vicariorum,' and the 'Laudum' or award of Bishop Alnwick delivered in 1439; the 'Black Book,' the substance of which was written in the fourteenth century, had quite passed out of mind. A comparison, however, of the forms of oath taken by the members of the chapter proved that no one ever swore to observe the statutes of Bishop Alnwick (the so-called 'Novum Registrum') until 1692. A further examination showed that the first recognition of these statutes appears in 1680, though copies of them are found dating from 1475 onwards. But the statutes themselves were incomplete; they were a mere draught submitted to the chapter for acceptance; finally—and this is the clinching point—they never were accepted by the chapter at all. The real body of statutes under which the church of Lincoln lived was that contained in the 'Black Book,' though of this there is no evidence that it was ever sealed. It is a collection of the rules and customs of the church gradually formed from the second quarter of the thirteenth century onwards, and reduced to writing and enlarged in the fourteenth. The book is edited in the chronological order of the actual writing; a concordance being added for convenience of comparison with the manuscript. Few men but Bradshaw could have possessed the trained skill or the patience to discriminate the styles of eighty handwritings, twenty-five of which are earlier than the attempt of Bishop Alnwick to force his new book upon the chapter. The result is to elucidate in a highly interesting manner the way in which the customs of the church grew up and were codified by degrees. Among the points of wider importance here brought out, we may note the brilliant proof that the constitution of our model secular cathedrals, York, Lincoln, and Salisbury, is derived not immediately from Rouen but from Bayeux, Archbishop Thomas of York, who had himself been treasurer of Bayeux, taking an active part in 1090–91, in the establishment of all three (pp. 33–36, 101–6; cf. p. 79). Another point is the influence of the Lincoln customs upon the capitular system at Spyny, set up by Bricius, bishop of Moray, before 1214 (pp. 40–44, 64 f.) But we can here do no more than hint at the wealth of illustration which this book affords for every range of cathedral life and work, as originally conceived and as carried out in the middle ages.

REGINALD L. POOLE.

Provinciale Ordinis Fratrum Minorum Vetustissimum secundum Cod. Vat. 1960. Denuo edidit Fr. CONRADUS EUBEL, Ord. Min. Conv. (Quaracchi. 1892.)

THE earliest extant list of provinces, custodies, and houses, of the Franciscan order has already been edited by Wadding and F. A. Righini (Rome, 1771), but with errors and omissions. This more accurate edition of Father Eubel will therefore be welcomed by all students of

the history of the mendicant orders. The edi
names of places, and has included the misc
in the manuscript but omitted by Wadding,
notes interspersed in the 'Provinciale' containe
'Liber Conformitatum.' The numerous varia
are noticed, but some of them might have been
e.g. Bartholomew [1] mentions eight *custodiae* in
instead of seven; seven *custodiae* in Aragoi
custodiae in Dacia instead of eight. The refer
nunc episcopo Suessano, and the mention of
among the Franciscan houses of Palestine (
'Provinciale Vetustissimum' at about 1343.
on the lists sent up by the provinces to the ge
in 1331.[2] The order of provinces, and of the
differs entirely from that adopted by Bartholo
tholomew begins with the province of St. Fran
tissimum' begins with England, and puts th
before the cismontane. Father Eubel argues th
latter was drawn up, this was the officially rec
and supports this conclusion by a reference
evangelical poverty published in the chapter o
clear that on this occasion a D.D. who was n
precedence of a B.D. who was a provincial m
may be inferred from the order of names that
preceded the ministers of Upper Germany an
inferred that the minister of England (D.D.)
minister of France (B.D.) if they had both be
university degrees. Again in a list of provinc
fourteenth century, and now preserved in the I
918, fol. 41), Ireland occurs first, followed b
Another list of the fourteenth or early fifteen
Museum (Add. MS. 24641, fol. 114 b) places
first, France eighth, and England ninth (this
north and central Italy). From these instan
that there was no recognised order of precede
tury, and that the 'Provinciale Vetustissimur
English friar. The order was finally fixed in

Father Eubel has not been fortunate in
English place-names. 'Grahamiam' is now
'Grememirtam,' in the custody of Cambridge,
which was not founded till the end of t
Yarmouth (Gernemuta); 'Lamasiam' stands f
'Briguorth' is not Broughton, but Bridgewo
Bolton, but Boston; 'Grunisbiam' is Grimsby

[1] *Liber Conform.* (ed. Milan 1510) Lib. I. Conf. xi.

[2] See Clyn's *Annales Hiberniae*, p. 39 (Irish Arch
Franciscana, ii. 154.

[3] C. Davenport (Fr. a S. Clara), *Disputatio de Ant*
Duaci, 1671.

[4] The fact that Ware is not mentioned in the *Pr*

list of Irish houses should have been compared with the list given by the contemporary Franciscan chronicler, John Clyn. 'Moytuto' is given by Clyn as 'Totmoy,' *i.e.* Tuaith-maighe in King's county, not Maynooth. 'Desertum' is probably Dysart. 'Gragferge' is Carrickfergus, not Clonfert! 'Botonia' is Buttevant, not Bandon; 'Ardarth' is Ardfert; 'Cloramada' or 'Clonronda' stands for Clonzonda, *i.e.* Clonzode, co. Clare; 'Kalleyth' is Killeigh, not Killaloe. 'Brefunam' is no doubt the Breifne of the 'Annals of the Four Masters' (modern form Brefny or Brenny), a district represented by the bishopric of Kilmore, comprising the counties of Cavan and Leitrim. The identification of medieval place-names is of course a laborious and thankless task; and the editor appears to have taken much trouble and to have been more successful in dealing with other countries; but many of the mistakes just noticed would have been avoided by any student of more experience, who knew where to look for what he wanted.

A. G. Little.

Compotus Rolls of the Obedientiaries of St. Swithun's Priory, Winchester. (Hampshire Record Society.) Edited by G. W. Kitchin, D.D., Dean of Winchester. (Winchester: Warren and Son. 1892.)

Accounts of the Obedientiars of Abingdon Abbey. Edited by R. E. Kirk. (Camden Society: 1892.)

These two publications afford us the clearest possible evidence of the decay of the monastic spirit in England in the fourteenth and fifteenth centuries. It was certain that monasteries such as these must fall at the first great social disturbance that might occur. There were no scandals such as Henry's visitors pretended to discover, but there was such an entire change in the condition and the ideal of monastic life that a reason for the existence of such corporations no longer existed. The evidence, which is here placed before us, gives us a wholly different picture of monastic life from that which we would naturally draw from the rule of St. Benedict as extended by Archbishop Lanfranc and Abbot William of Hirschau. There is always something picturesque in a medieval Compotus Roll, but here we gain an additional insight into the details of monastic economy. For these documents refer to the internal affairs of the monastery, and tell us little of the outside world. They were drawn up for the monks of the abbey, and not, as in the case of the Finchale Priory accounts, for the information of the superior authority at Durham, which therefore are practically mere balance-sheets of compressed accounts. There was naturally a good deal of business connected with the affairs of a great landowning corporation such as the monasteries were. As this could not all be done by one man, the work was allotted among the members of the convent; and the men who were thus called upon to occupy these positions of trust, were the *obedientiarii* of the monastery. They were *foris vel intus obedientiis occupati.* Naturally there would not be much difference from monastery to monastery. The rule of St. Benedict with its later developments was adhered to; but the names of the *obedientiarii* were not

Clyn, but is mentioned by B. of Pisa, gives a further clue to the date of its foundation: it was clearly a new house in 1395; Wadding, *Ann. Min.* ix. 438. Scarborough on the other hand is carelessly omitted in the *Prov. Vetust.*

always the same. In the Abingdon manuscripts we have accounts
Pittancer, Infirmarer, Lignar, Gardener, Treasurer, Kitchener, Sa
with the Chapel Wardens and the Trinity Wardens, the Chamberl
Refectorer, and the Wardens of the Common Chest; and in the Win
manuscripts, accounts of the Sacristan, Anniversarian, Custos C
Receiver, Hordarian, Chamberlain, Curtarian, Cellarer, and Al
From both, however, a more complete list of the officers of a Bene
monastery could be drawn up, but in each case it would be four
the functions of corresponding *obedientiarii* in some degree varied.

For the support of their offices each of these trusted mon
the entire charge of certain estates, houses, and pensions, defraying
the rents all the dues of their office. When receipts exceeded the e
the balance appeared in the next account as 'an arrear,' and wh
expenses were greater than the receipts there would appear next
surplusage' among the expenses. As a rule there was seldo
remanentia or arrear. The surplusage was continually increasi
had to be met by a loan from some Lombardy merchant or by the c
of a corrody. Each of the officers received a payment for his wo
the principle of private property among the monks was generally
nised. At times a bad administrator would get the account into a
less state of debt as did the hordarian J. de Doncketone at Winc
The prior, therefore, took the management of the office into his own
for seven years, and, having got the accounts into a fairly satis
state, out of his private purse he paid the debt still owing, 210*l.*
the office of prior was a rich living for a monk who was supposed t
no private property. At Abingdon this principle of private proper
furthered by a yearly division of the revenues of Welford Manor
the members of the convent, the abbot, the three priors, twenty-one
monks, and ten lay monks, each receiving their share; while the ob
at the high altar were for the most part divided in the same way
support of the poor seemed an irksome task, and was grudging
formed. The two scholars at Oxford whom both monasteries were
to support were not always regularly paid. Art, however, was pat
by a liberal payment for the painting of the great Cerei, and by the p
of the 'Five Joys of Mary' in each monastery in the first decade
fifteenth century. There were seldom more than four or five boys
monastic school, and notwithstanding the comfort and 'liberal di
find Master Hacker of Abingdon receiving 10*s.* for his trouble in
ing for novices for the monastery in 1421.

The Winchester volume is full of revelations of monastic life co
with judicious care. The transcription of the documents and
printing seem scrupulously accurate. In the Abingdon book Mr
once goes out of his way and wrongly corrects his manuscript
gesting that we should read 'faciendis' for 'facta' (p. 75, l. 2.)
Winchester glossary is a model of what such things should be,
comparison with it the Abingdon glossary certainly suffers. Mr
has so compressed his definitions that it is sometimes doubtful w
they are not more obscure than the original words: for instance, *c*
'cubebs;' *hercia*, 'a herse;' while surely *langeolum* means a b
providentia is 'the purchase of goods to be laid up in store,' and *v*

'a wooden shovel;' moreover, the unusual spelling or meaning of ordinary words should have been more clearly noted.

The Winchester volume contains, in addition to the obedientiaries' accounts, a valuable dietary roll, which reveals to us the 'generous diet' on which the monks were nurtured for the greater part of the year, and a transcription by Miss Bateson of Abbot Ælfric's abridgement of St Æthelwold's 'Concordia Regularis,' as well as a table of the ordination of the monks from 1326 to 1528. Both volumes are furnished with excellent introductions, the dean describing at great length the ordinary life and management of a medieval monastery. On one point, however, he seems to have been uncertain. Each of the obedientiaries during the year had their 'O,' for which they received a special fee and had to provide certain feasts for the convent. It was the duty on the great festivals of the church for these officers in turn to act as rulers of the choir. Now since the church cycle began with Advent as a preparation for the Nativity festival, the first time they would be called upon for such a duty would be in the anticipation of Christmas that appeared in the antiphons for the Magnificat at Vespers from December 16 onwards. This duty they would take upon them in the order of their dignity, the abbot or the prior beginning with 'O Sapientia;' and so the duty acquired the name of an 'O.' The rule is laid down in the Sarum Pica and would establish the order for the whole year. Naturally in the course of the year antiphons would occur that did not begin with an O, but the duty got its name from those that came at the opening of the church's cycle of festivals. We do not therefore understand the dean when he tells us that at Winchester the abbot said 'O Sapientia,' while at Durham it was the *magister noviciorum*. Were the others 'suited' to their 'several offices'? Did the gardener really take 'O radix Jesse,' and the keybearing cellarer 'O Clavis'? Verily the dean seems to have taken a leaf out of the works of Thomas Fuller. This must surely be fun for the unsophisticated of the Hampshire Record Society, as also is the remark that 'the O's' were 'beautiful little prayers.' These two volumes, however, were drawn up for different classes of readers, and while both supply us with valuable information, it was unnecessary for the editor of the volume issued by the Camden Society to give the numerous and valuable illustrations and notes that adorn the 'Compotus Rolls of St. Swithun's Priory.'

T. Scott Holmes.

L'Armée Anglaise vaincue par Jeanne d'Arc sous les Murs d'Orleans. Par M. Boucher de Molandon et le Baron Adalbert de Beaucorps. (Orleans: H. Herluison. 1892.)

This is a work which appears to have grown up by degrees. Founded upon researches by M. Boucher de Molandon, the fruit of which he had given by instalments to a local Archæological Society, the first as far back as 1876, it has, at last, by the aid and co-operation of his nephew, M. de Beaucorps, taken the form of a connected essay, with a valuable appendix of original documents and a plan of the siege of Orleans. It is to such devoted local efforts and long-continued study of special subjects that the general historian will be indebted one day for the most significant parts

of his narrative; and assuredly local research could hardly find a more important subject to deal with than the relief of Orleans by Joan of Arc. Yet we should do M. Boucher de Molandon injustice if we allowed the reader to suppose that his researches were limited to local matters. His subject is 'The English Army vanquished by Joan of Arc under the walls of Orleans;' and as that army was in great part derived from the English garrisons in Normandy and other portions of the occupied territory, a considerable part of his book is devoted to an examination of the state of those garrisons and of the English forces generally. He frankly acknowledges indeed that he is not first in the field in this important survey, which, as regards Normandy at least, was done in a very masterly way many years ago by M. de Beaurepaire. But M. de Beaurepaire had mainly in view the system by which the English governed Normandy, and the composition of their forces; whereas M. Boucher de Molandon has made a special study of their system of recruiting, and the internal and external administration of their army. He has sought for documents far and wide, and has found many for his purpose in that large and but slightly examined collection, the Additional Charters in the British Museum. Much further light might have been thrown upon the subject but for the shameful dispersion of documents by the French government in 1776, when many of the papers left by the English at Orleans altogether disappeared.

One general result of the author's investigations may be said to be the distinct proof of the weakness of the English tenure of France at the time Joan of Arc appeared upon the scene. The conquered provinces were taxed heavily for the support of a war which the English at home could not afford to pay for. The garrisons were barely sufficient to keep down a discontented population. Their smallness may astonish the present generation. That of Rouen consisted but of seventy-five men, while most of the towns of Normandy had only sixty, and Evreux had only twelve; Pontorson alone had as many as 200, but this was clearly owing to the neighbourhood of the unsubdued rock of Mont St. Michel. How could men be spared from such places for the siege of Orleans? They had of course to come from England, and they came under Salisbury. Bedford had originally intended an attack on Angers instead of on Orleans, and it may perhaps be significant that he never himself visited the siege, though he took up his quarters at no further distance than Chartres from November to January. He may, as pointed out by M. Boucher de Molandon, have had personal reasons for preferring an attack on Angers, but there were certainly strong strategical reasons as well, for the command of Angers would ere long have enabled the English to cut off the dauphin's forces from the seaboard, and hemmed him in on every side. Still, there were certainly opposite arguments in favour of the policy actually adopted of laying siege to Orleans; but the result was a strain upon the resources of the English, which was ominous of coming failure. As the siege proceeded, a forced loan of a whole quarter's pay was levied on all English officials (not military) throughout France. The product actually realised was a mere drop in the bucket; but the fact that so strong a measure was resorted to is striking evidence of the severity of the crisis.

As to the total force engaged in the siege, a pretty safe estimate apparently can now be formed within certain limits; but the statistics derived from documents are by no means complete. The accounts of certain corps paid by Andrieu d'Espernon, treasurer of war, are missing; but, taking the full numbers attainable for each particular corps at the highest estimate, the total is given at 3,467 fighting men, to which should be added 898 pages. This does not include the Burgundian contingent, though they had English paymasters, whose vouchers have somehow disappeared; but, taking the English, the Burgundians, and the French altogether, the authors cannot allow that the sum total of the combatants was more than double those of the English besiegers alone, that is to say, 6,934; and they point out various sources of error in previous computations, which gave much greater numbers. It is enough to commend these criticisms, as well as the whole essay, to the attention of the special student. JAMES GAIRDNER.

Les Explorations des Portugais antérieures à la découverte de l'Amérique: Conférence faite à l'Athénée de Madrid. Par M. J. P. D'OLIVEIRA MARTINS. Traduit de l'Espagnol par Alexandre Boutroue. (Paris: Leroux. 1893.)

ONE of the most notable of the lectures given in Madrid on the occasion of the celebration of the tercentenary of Columbus was that delivered by Senhor J. P. Oliveira Martins, a distinguished Portuguese publicist and ex-minister, on the voyages and discoveries of the Portuguese prior to the success of Columbus. The lecture was published in Spanish soon after its delivery and has now been translated into French with an introduction and map by M. Boutroue. It treats mainly of the persistent attempts of the Portuguese from the time of Prince Henry the navigator to reach the coveted Indies by way of the circumnavigation of Africa, and is a masterly summary of the progress of discovery for the hundred years previous to the successful voyage of Columbus. Of the heroic figure of Prince Henry himself, to whose initiative Portuguese colonial enterprise was primarily due, Senhor Oliveira Martins has nothing to tell us beyond that which is contained in Mr. Major's excellent monograph on the subject; but the stubborn persistence with which, for so long, the Portuguese went on, step by step, to their goal, is well described. No one will attempt to deny to his countrymen the honour due to the first modern civilised colonisation of the coasts of Africa and the opening up of the east by sea, but Senhor Oliveira Martins' somewhat bitter references to the success of English colonisation, which, he says more than once, is built up on the ruins of the Spanish and Portuguese empires, seem rather beside the mark. He claims that our success as a colonising people is due to the fact, not only that we have obtained possession of Portuguese discoveries, but that we have adopted their colonial system. If that be so, in any sense, the administration of the system has been vastly different, and no one who has travelled, even in these enlightened days, in Portuguese colonial countries can fail to see clearly some of the reasons why the Portuguese colonial empire has diminished, and is dwindling to vanishing point, whilst that of England is ever growing and prospering. The race of the Spaniards and the Portuguese for the Indies, the one

nation by the west and the other by the east, reflects all honour upon their valour and their enterprise, whatever the real object may have been, but it is too late in the day now for either people to complain that other nations have done for civilisation, for enlightenment, and for humanity what they failed to do. Corruption, greed and cruelty, and a paralysing centralisation were the keynotes of their colonial administration. The natural and righteous result was their own decrepitude and decay; and, not because of the adoption of their colonial policy, but because they were more just to native races, have the English succeeded where Spaniards and Portuguese have failed. Whatever may have happened later, there can be nothing but admiration for the hardy mariners who, under the patronage of the wise Prince Henry, pushed into unknown seas in their frail boats and braved tempest, and savages, and the deadly climate of West Africa to solve the riddle of the golden east, for the benefit of their little sea-washed country. Senhor Oliveira Martins has of course told the story well, and the French translation is entirely satisfactory. MARTIN A. S. HUME.

La Politique Extérieure de Louise de Savoie. Relations Diplomatiques de la France et de l'Angleterre pendant la Captivité de François Ier (1525–1526). Par G. JACQUETON. (Paris: Bouillon. 1892.)

THIS is a very careful and elaborate piece of work on a subject which well deserves the attention of the diplomatic historian. It is not easy reading, at all events in some parts; but the intricacies of finance and diplomacy do not always admit of lively and attractive treatment, and the importance of the facts elicited amply justifies the labour bestowed on the investigation. It will not be the writer's fault, however, if his countrymen are not more deeply impressed than they have been with a sense of the great services rendered to France by Louise of Savoy at a most serious crisis in the history of the country. Louise, it will be remembered, had been made regent of France by her son, Francis I., before he set forward on his disastrous Italian campaign, and a small but important part of this diplomatic history belongs to the time just before the battle of Pavia. England in alliance with the emperor had declared war against France in May 1522; and England was still the emperor's ally when Francis was taken prisoner in February 1525. But although Henry VIII rejoiced at the first news of this great humiliation inflicted on the common enemy it appears that even he had been for some time tired of the war, and that he would have been very glad to arrive at a better understanding with Francis, either with or without the emperor's leave, on terms advantageous to himself. Nor was this unknown to the French, who had been putting forth careful feelers to ascertain Henry's sentiments, and even carrying on negociations through agents who could be disavowed at any time either by the French government or by the English. The last of these agents, a Genoese named John Joachim de Passano, made such a stay in England that he could not but excite suspicion, and Wolsey with affected candour caused the emperor to be informed that he had been sent over by the regent of France on pretence of her desire to bring about a peace, but that the cardinal suspected him to be a spy, whose mission was only devised to

enable him to explore the policy of the English government. To counteract his designs, Wolsey informed the emperor, he had insisted on his laying before the council some definite proposals from Louise within a certain term; but the man only promised to write for instructions and compelled the English to grant him new delays.

The emperor could not but see through this game, but it is perfectly evident that Wolsey cared not though he did. Whether Henry VIII was alive to the fact or not, it was plain enough to the cardinal that Charles V meant England to sustain the whole expenses of the war, and himself to reap all the profits. Wolsey expressed pretty plainly his opinion of the emperor in quarters where it was likely to be reported to Charles himself, and even asked an agent of the duke of Bourbon's how he could expect him to advise his sovereign to lend money to four such characters as the emperor, his aunt Margaret, his brother Ferdinand, and the duke, on each of whom he bestowed some very uncomplimentary epithets. The words shocked and staggered the English ambassadors in Spain, who knew not what to say when told of the great cardinal's incivility. But Wolsey himself had little fear of the emperor's resentment, and he carried his audacity still further. On the very eve of the battle of Pavia—when no one expected such a complete change in the political situation as was then imminent—he was guilty of a deliberate outrage, unparalleled, we should think, in the diplomacy of civilised nations. He caused the imperial ambassador's courier to be stopped, read his letters, sent for the ambassador himself, and abused him roundly for the terms in which he had dared to write to his master, forbidding him ever to appear again before himself or the king. Such conduct, of course, was a gross affront, not merely to the ambassador, but to the emperor whom he represented; but Wolsey knew his ground and was well aware that the emperor could not afford to quarrel with him. Charles only ventured on a very mild remonstrance and recalled the ambassador whose presence was no longer acceptable to Wolsey and the king.

As a Frenchman M. Jacqueton is not much concerned with Wolsey's conduct towards the emperor. He takes a much lower view of the cardinal's diplomacy than most people; and he thinks especially that Brewer, the bishop of Peterborough, and Dr. Wilhelm Busch have been guilty of extravagant laudation of Wolsey's policy. But it is strange that while he calmly relates such incidents as those just mentioned (not sharing, of course, the indignation which a warm partisan of Charles V would have been certain to express) he sees nothing in their splendid audacity betokening genius in statecraft. He believes that the English policy towards France (and consequently towards the emperor) was governed mainly by the prospect of Francis proving successful in his Italian campaign; that before the battle of Pavia there seemed every probability of his approaching triumph; and that Henry and Wolsey only desired to throw over the emperor before sharing with him the loss and discredit of an overwhelming defeat. It does not seem to occur to him as a possibility that the emperor's own conduct towards England, or even towards Wolsey, may have had something to do with the desire to get rid of his alliance, and that that desire was augmented rather than diminished by the crushing defeat of Francis. No, it was France, he considers, that governed the

situation all along. England only wanted to ma
ning party, and when she found her calculations v
ately tried to screw out of France in her misfortu
as the price of a separate peace. But Louise wa
sion. She would not listen for a moment to a
territory (she would, indeed, have incurred great
and in the end she bought peace with Englan
which under the circumstances was remarkably

Such are the general conclusions drawn by
cluding chapter, and as regards the policy of L
dispute them. She accomplished a great work,
over-magnify the difficulty of her task by discre
she received from the policy of Wolsey. The
hard a bargain as he could with her in the n
Louise still bought the aid of England on terms
the circumstances of the case. But we do not s
ton's careful narrative any reasons against the
generally favourable to France all along, and be
French alliance (which he had twice succeeded i
would prove far more valuable to his master t
emperor.

The Anticipation of Cartier's Voyages, 1492–15
LL.D. (Cambridge, U.S.A.: Wilson
The Results on Europe of Cartier's Exploratio
LL.D. (Cambridge, U.S.A.: Wilson

THE former of these works contains a sketch of t
formation of the North American continent befo
Lawrence had given to those theories an underly
reminded by it how gradual was the process of
imperfectly, and step by step, the shape, even the
continent revealed itself. Columbus doubted,
insinuates, wished others to doubt, whether the l
more than the easternmost side of Asia. His su
had but to pierce a narrow belt to get access to t
Mr. Winsor points out, may be clearly traced
Hieronomo da Verrazano, the brother of the n
important map from Milan, of which Mr. Wi
facsimile. Verrazano's map, in Mr. Winsor's l
watery wedge lying athwart the interior of
America and pointing with its apex to a narrow
in the latitude of Carolina.' It is singular that
long held its own as to appear in Lok's map,
1582, some forty years after the actual explor
have exploded it. No doubt it served to keep al
west passage to Asia, and was itself probably stre
think such a passage possible. A singular viev
was that which, starting not from purely geogr
the conditions of political and social life discov
Mexico with Cathay, and reconciled that hyp

discoveries by supposing that South America was an independent continent, North America the continuation of Asia.

The second of Mr. Winsor's books contains a detailed survey of the various extant maps of North America published between 1542 and 1590. That survey shows, what had been already illustrated by Lok's map, how largely the map-makers of that day went on relying on conjectural interpretations of their predecessors' work, often uninfluenced by the actual process of discovery. The book incidentally reminds one too how much energy, courage, and self-devotion were lavished by Frenchmen in winning for France the precarious and short-lived tenure of a province which yielded nothing save the monopoly of the Indian fur trade.

J. A. Doyle.

Les Eglises Réformées de Saujon et de la Presqu'île d'Arvert. Par E. Moutarde. (Paris: Librairie Fischbacher. 1892.)

The geographical and class distribution of reform in France was so varied that local histories are always welcome, as the surest corrective of hasty generalisation. The amphibious district which forms the area of M. Moutarde's study lay somewhat outside the direct line of early persecution whether judicial or military, while it was peculiarly open to influences from without. Consequently here, as at La Rochelle, reform had a more natural development than in other districts; its spread among the lower classes was rapid, regular, and not, as elsewhere, efficiently checked. For the same reason the events connected with the wars of religion are scanty, and characteristically group themselves round a more recent convert, Pierre Campet, lord of Saujon. This family could neither be bribed nor bullied into catholicism. It was the arrest of Samuel Campet which nearly led to a Huguenot outbreak at the close of 1612, while a few years later the château was taken and strongly fortified by Richelieu. Between the edict of Nantes and its revocation, Saujon became the centre of a flourishing reformed community, with its temple and regular succession of ministers. The registers are complete from 8 July 1627 to 1 Sept. 1682, and it is noticeable that in the years 1661 and 1662 as many as forty-six marriages were celebrated. An idea of the size of the protestant congregation may be gathered from the fact that after the Revocation the number of *nouveaux convertis* is estimated as above two thousand, of whom the majority were sailors, while many availed themselves of the peculiar facilities for emigration. Petitions from the inhabitants prove that the activity of the police outpaced the means of reorganisation, and the parish was left without any adequate religious ministration. The natural result was a recrudescence of heresy on the death of Louis XIV, and notwithstanding the fierce persecution under Louis XV this district of Saintonge became a fruitful field for the labours of the 'pastors of the desert.' After 1758 virtual tolerance was secured by the connivance of the governor of La Rochelle, the maréchal de Senneterre, who had bought the château of the Campet family. Henceforth worship was openly conducted in recognised buildings, and it seems doubtful whether the liberal principles of the Revolution compensated the protestants for its oppressive practice. The *Annuaire* of Rabaut for 1807 gives an analysis of the composition of the reformed population of this district, which seems applicable

to its general history: *Les Réformés de cette contrée sont en général comptés parmi les plus aisés propriétaires et les meilleures et les plus solides maisons de commerce; l'on compte aussi parmi eux beaucoup de marins distingués et des capitaines de navires marchands; le reste se compose de fermiers, agriculteurs, marchands et artisans; ils font aussi le commerce des eaux-de-vie, des sels et des huitres vertes.* Such a congregation was, indeed, not without material attraction. The church of Saujon destroyed in 1682 was not replaced until 1841. It would be interesting to know the relative numbers and class distribution of the protestant population at the present day. M. Moutarde has illustrated his narrative by numerous facsimiles and documents; of these the instructions and reports of the police are among the most interesting. The monograph would be improved were the somewhat sentimental effusions on the general history of reform and its persecution omitted.

E. ARMSTRONG.

De Toestand der Nederlandsche Katholieken ten tijde der Republiek. Door Dr. W. P. C. KNUTTEL. ('s Gravenhage: Martinus Nijhoff. 1892.)

THE subject with which this work deals is not one which lends itself to lively or graphic treatment, but at the same time it must be confessed that the story of the catholics in the Netherlands in the time of the republic as told by Dr. Knuttel, though far from unprofitable, is somewhat dull reading. The author mentions in his preface that he has searched through all known edict-books, and that he has scrutinised the resolutions of the states of Holland and Zealand page by page, and all the statutes and resolutions of towns that fell under his notice. But the student, while grateful to him for the thoroughness with which he has made himself acquainted with his authorities, will regret that he has with his study of their contents imbibed something of (to use his own words) 'the grave, dry, and often prolix (*den deftigen, droogen en vaak omslachtigen*) style' of the resolutions of the states of Holland, which, he adds, 'have nevertheless at times something which calls forth a smile on the face of the patient reader' (p. 284). There is perhaps no other sentence in Dr. Knuttel's book which could achieve such a result, except the one just quoted. Such criticism apart, the 'Toestand der Nederlandsche Katholieken' may be regarded as fully sustaining by its careful research into the vicissitudes of a proscribed religion the reputation which its writer has justly obtained by his excellent and valuable catalogue of the pamphlets in the Royal Library at the Hague (ENGLISH HISTORICAL REVIEW, v. 779, vii. 817). His close acquaintance with such literature has given him peculiar opportunities of tracing out and throwing light upon the methods by which the Roman church in the face of every difficulty maintained its hold upon no small portion of the population of the Dutch republic.

Dr. Knuttel remarks in his preface that while some writers have boasted of the freedom which was enjoyed by members of different religious bodies in the United Netherlands during the seventeenth century, Roman catholics on the other hand have bitterly complained of the persecutions which were the lot of their co-religionists. The truth lies, as is generally the case, in the middle. There was no room during the period of the

thirty years' war for absolute religious freedom either in the Netherlands or elsewhere, and the manner in which on the whole the stern decrees for the suppression of catholic worship in the United Provinces were actually enforced, must be judged by the standard of the times to have been unusually mild and tolerant. Romanists were not so much persecuted for their religious tenets as on political grounds. As the fears of Spanish domination gradually died away, so did the severity of the regulations against the catholics relax. By art. 13 of the Union of Utrecht (1 Feb. 1579) each sovereign province retained the right to regulate its own religious affairs. It is therefore the provincial edicts, and not those of the states-general, which are important, and each province differed somewhat in its attitude towards the catholics. Friesland was especially hostile from its strong Calvinism; Gelderland and the southern districts more inclined to leniency.

This book, as might be expected, principally deals with the province of Holland, which from its importance, in religious as in other matters, dominated the rest of the Union. Even before the death of William the Silent strong edicts had been issued against the public exercise of the Roman catholic worship in this province, and the deed of Balthazar Gérard caused still more stringent ones to be proclaimed and put in execution. Yet it is not surprising to find that these measures had comparatively little effect, when we learn (p. 8) that in 1587 only one-tenth part of the entire population belonged to the reformed faith. Even in 1618 Barneveldt informed Carleton, the English ambassador, that the catholics formed the richest and most respectable part of the nation, and that the country villagers were almost wholly catholic. Of the rest many had ceased to be such without becoming protestant. After the conclusion of the twelve years' truce the open celebration of the mass was universally forbidden, and the wearing by priests of sacred vestments; but the magistrates allowed themselves not infrequently to be bribed into connivance, and did not unnecessarily interfere with unobtrusive gatherings of the faithful. Moreover the internecine quarrels of the protestants served to draw away the attention of those in authority from the catholics, and for a time to render their position easier. With the death of Barneveldt and the complete triumph of the ultra-Calvinist party at the synod of Dort intolerance once more gained the upper hand. The preachers bestirred themselves, and orders were given that the decrees should be rigorously carried out. But all efforts at suppression failed, as might have been expected. The catholics were too large and important a body to be crushed, and those officials, and they were not a few, who openly or secretly belonged to the remonstrant party, were not disposed at the bidding of orthodox preachers, who hated the Arminian with an even more bitter hatred than the papist, to interpret their powers harshly. When strong measures were used against Roman catholics, it was generally through their own fault. It was the leaning to Spain, and not to Rome, which was the crime. With the treaty of Westphalia and the final and complete disappearance of the Spanish terror, the evasion of the edicts resolved itself into a question of money, and the performance of public worship according to the rites of the church of Rome gradually became at least semi-legalised. As an instance of the change that took

place, Dr. Knuttel speaks of Amsterdam in 1617 Calvinism,' and as more severe in its treatment towns (p. 92), whereas in 1652 we find a certai 'that the magistracy of Amsterdam are great ı Mass' (p. 299).

Not the least interesting part of Dr. Knutte deals with the internal condition of the catholic lands (see especially ch. ii. and vi.). It too was nc and there were constant friction and differenc apostolic vicars and the Jesuits. The zealous a the society claimed and asserted their independer papal representatives, and it is curious and in long-continued but ineffectual efforts of the t vicars, Vosmeer (1602–1611) and Rovenius (16 insubordination.

There is an index to all the names of places, a arranged with page references, of the various edi tioned in the work.

Wadham College, Oxford; its Foundation, Ar with an Account of the Family of Wadh Somerset and Devon. By T. G. Jackson, time Fellow, and now Honorary Fellow, of W at the Clarendon Press. 1893.)

Wadham College is fortunate in counting ar architect of the first rank, who is also an expert a pious devotion to the society which brought hi compare this book on a small scale with Willis 'Architectural History of Cambridge.' But M simpler, as well as a far more circumscribed, t well known, is not only in its entirety a foundat seventeenth century, but also still the most homo of the colleges of Oxford or Cambridge. He vantage of studying the full building accounts c unrivalled knowledge of the Jacobean style cha enabled him to turn to excellent account. No c this through all the processes of building in the the obtaining of the raw material to the final be work, or throws so abundant light upon the pers craftsman in it. The same man was master m of works (pp. 33 f.); the same mason who co the kitchen carved the statues in the frontispi The detailed account of the college 'chambe illustrate the domestic arrangements which were two or three students sharing one set of rooms a to the eighteenth century. We may call par description of the chapel, in several ways a rem its famous windows. But though the value of t its architectural treatment, this by no means ex have an account of the families of Nicholas

Dorothy, who was a Petre, and of their homes in Somerset and Devon; of the college statutes, and of the changes in social life evidenced by its records; of the pictures in the hall, and the plate. The history of the society is related under the reigns of its wardens, of whom six of the first twelve became bishops; and notable *alumni* are enumerated, with constant reference to Mr. R. B. Gardiner's edition of the college register. The numerous views and sketches, drawings and plans, add greatly to the charm of a book which furnishes a model of what a college history should be. We have noted but a single serious mistake, and that relates not to the history of the college but to that of the institution upon whose site it was founded. Mr. Jackson repeats the old statement from Anthony Wood about 'the Austin Friars, who though at first the most ignorant order in Oxford, became, in time, "mickle sophisters," their wits being sharpened by the disputations in which all who aspired to a degree in Arts or Divinity were obliged to encounter them' (p. 20); whereas the Austin disputations were exercises only for the degree of M.A., and were so called, not by any means because the bachelors disputed with the Austin friars, but simply because they used their schools for the purpose.

REGINALD L. POOLE.

The Worship of the Church of Scotland during the Covenanting Period, 1638–1661. By G. W. SPROTT, D.D. (Edinburgh: Blackwood. 1893.)

DR. SPROTT'S name is held in grateful remembrance by students of Scottish ecclesiastical history on account of the light which he has thrown on the service-books used in Scotland from the Reformation onwards, up to the attempt of Charles I to enforce the use of his new prayer-book. Dr. Sprott now resumes his pen to tell us how the Book of Common Order by degrees gave place to the later system with which visitors to Scotland are familiar. The chief interest of the lecture which he now reprints lies in the demonstration that the influence of the English puritans affected the worship of the church of Scotland, at the same time that the English Puritan worship was affected by that of the church of Scotland. His statements on this head will probably be new to most of his readers, and have considerable importance in their bearing on the history of Scottish ecclesiastical parties. It is to be regretted that Dr. Sprott allows himself to be influenced by the animosities of the seventeenth century so far as to condemn indiscriminately those from whom he dissents. It may be the case that the innovators whom he dislikes were influenced by a Brownist spirit, but he has not taken the pains to show that their system was identical with that of the Brownists, whilst he certainly conveys an impression that he considers the Westminster Assembly to have been dominated by 'Brownists,' though he does not say so in express terms. Dr. Sprott, too, is very indignant with Scotsmen who sided with Cromwell after the battle of Dunbar, whilst he has nothing to say against those who forced Charles II, a young man who was already the father of two illegitimate children, to perjure himself by swearing to the two covenants, and to pose as a religious and moral prince, whilst they provoked the sword of Cromwell by their persistent attempts to meddle with the English church instead of minding their own business at home.

SAMUEL R. GARDINER.

Calendar of Domestic State Papers, 1648–9. Edited by W. D. Hamilton. (London: H.M. Stationery Office. 1893.)

This volume of the calendar completes the papers of the reign of Charles I., and forms the connecting link between the series edited by Mr. Hamilton and the Interregnum papers edited by Mrs. Green. 'The great bulk of this volume of "Calendar,"' says Mr. Hamilton, 'is made up of the proceedings and letters of the Derby House committee, which are entered in four volumes, and these are perfect for the whole period.' The constitution of the committee underwent an important change at the beginning of 1648. On 3 Jan. the powers formerly granted by both houses to the committee of both kingdoms were restricted by vote to the members of the two houses of parliament who were of that committee, and the Scottish representatives thus excluded. On 7 Feb. 1649 another vote of parliament absolutely dissolved the committee, and took away the powers entrusted to it. The orders of the Derby House committee and the letters written by it during 1648 give a lively picture of the progress of the second civil war, and the dangers with which the government had to cope during the summer of 1648. Unhappily, the more interesting and important volumes containing the letters and reports to the committee from the parliamentary commanders in different parts of the country are entirely missing. In his preface Mr. Hamilton might with advantage have pointed out this fact, and he might also have mentioned that many of these letters are to be found in other collections of papers. The report on the Portland MSS., for instance, contains (p. 464) the letter of Colonel Walton's referred to on p. 145 of Mr. Hamilton's calendar, and other letters addressed to the committee are to be found in the same collection. At the same time a certain number of the letters summarised by Mr. Hamilton have already been printed *in extenso*, and references should have been given in the calendar to the published copies. A number of the letters from the Derby House committee to Colonel Hammond were printed by Birch in 1764. William Prynne's letter to the Somersetshire committee, calendared on p. 4, is published in Cary's 'Memorials of the Civil War,' i. 368.

Of the documents which Mr. Hamilton calendars, the most interesting are the ten original letters from John Crewe, one of the commissioners negotiating with Charles I at Newport. They contain a full statement of the reasons which actuated the party which held that the king's concessions in the treaty were sufficient ground for a settlement (pp. 302, 306, 309, 319). Crewe was one of the members expelled by Pride's Purge, and took no further part in political affairs till the readmission of the secluded members in February, 1660. These letters, which throw much light on his political views, were, unluckily, not known to the author of his life in the 'Dictionary of National Biography.' On p. 187 is a letter of reproof from the committee to the lord mayor on the attempts made by the city mob to rescue royalist prisoners, which shows how great the disaffection was with which the government had to contend. The 'general distemper' noted amongst the sailors of the seaport towns was another difficulty (pp. 207, 213). Parliament had so few forces at their command that they were obliged to raise volunteers to protect their own sittings, as their proper guards had been drawn off to quell

royalist risings in the adjacent counties (pp. 92, 102). Moreover, of the numerous volunteer regiments they raised to suppress the Cavaliers, some, notably those of Marten and Reynolds, were deeply imbued with the principles of the Levellers, and formed a new danger to the government (pp. 198, 249). In the letter of thanks which the committee sent to Cromwell on Hamilton's defeat, the imminent ruin of the parliamentary cause, had not his victory taken place, is plainly admitted (pp. 252, 255, 263).

C. H. FIRTH.

Mazarin et Colbert. Par le COMTE DE COSNAC. (Paris: Plon. 1892.)

THE Comte de Cosnac is well known as one of that band of French historical students who are engaged in examining French history in the seventeenth century through a microscope. He has already published 'Souvenirs du Règne de Louis XIV' in eight volumes, and monographs on the riches of the Palais Mazarin, the battle of Bléneau, and the proposed marriage of Mademoiselle de Montpensier. He has edited the memoirs of his distinguished relative, Daniel de Cosnac, archbishop of Aix, in two volumes, and those of the Marquis de Sourches in twelve. In the present book, he labours under the disadvantage of working on a field which has already been carefully ploughed by M. de Chéruel. One would have thought that, considering the enormous mass of literature which has of recent years been poured out from French printing presses upon the times of Mazarin and the Fronde, and the exhaustive verbosity of M. de Chéruel himself, there would be nothing left for a subsequent cultivator to turn up. But it is not so. The Comte de Cosnac claims to have made several very important contributions to history, which have totally escaped the lynx eyes of his predecessors. In his former works he boasts that he has drawn forth from obscurity, to use his own phrase, the fact that the maire of Auxerre took part in the battle of Bléneau, and that M. de Bordeaux and not M. Jaback, as has been hitherto erroneously supposed, was the real agent through whom Mazarin bought a good deal of the property of Charles I. In the present volumes there are matters of still more serious import. He has settled the vexed question of the place of Mazarin's birth, and brought strong evidence to prove that he was a priest. He has traced the history of the Mazarin diamonds, set out the plan of the building on the island in the Bidassoa, where the final negotiations for the peace of the Pyrenees were conducted, and recorded a quarrel between Anne of Austria and M. de Beaumont. It is of course better that we should know the truth about such matters as the birthplace or the orders taken by Mazarin, than remain in doubt or misconception; but when new light on questions of that sort is solemnly put forth as the excuse and claimed as the merit of a book of a thousand pages, one is tempted to ask whether this craze for unpublished documents and new authorities is not becoming a mere fetish, and making historians forget that the reason why many documents have remained unpublished is that they are not worth publication.

The fact is that the Comte de Cosnac is not in the least in need of such justification for his book. It might certainly have been reduced to half its present size with advantage, but, making due allowance for its diffuseness and want of arrangement, there is much in it which is readable, interesting, and instructive. It does not attempt to deal with the higher

and more patriotic side of the careers of either Mazarin or Colbert, and no doubt an impression of their respective characters and policy derived solely from this book would be in many important respects misleading, but it throws a good deal of light upon the inner working of the government of Mazarin, and supplies many interesting details about his private life and affairs, which do much to fill in the shades if not the lights of his portrait. Certainly it is a most forbidding picture which M. de Cosnac discloses to us. We see Mazarin surrounded by a secret police of his own—in plain English, spies—under the direction of the Abbé Fouquet, carrying on government by corruption, utterly reckless of the happiness of the people, bent only on retaining power and amassing wealth. It is Colbert's business to assist him in the latter work, to act as his agent and steward, to keep his accounts, to cheat his creditors, to refuse all claimants upon his charity, to cut down his servants' wages and his tradesmen's bills, even to buy stuffs for the cardinal's shirts and his nieces' dresses in order to save a livre or two. Mazarin's avarice was absolutely shameless. He entered into commercial speculations and used his powers as minister to relieve his merchandise from the payment of taxes. He recovered some diamonds, which he had pawned in the days of the Fronde, for a less sum than he had originally received upon them. He fastened like a leech upon sovereigns in difficulties, like Christina of Sweden, and eased them of their jewels and valuables for far less than their value. He appointed himself contractor to the army in Flanders, and even starved the instrument of his own glory to fill his pockets. He loved to surround himself with beautiful things, bought largely, as all the world knows, of the treasures of Charles I, collected splendid books and jewels, was properly indignant when his agent in Italy sent him, instead of pagan statues and renaissance ware, two caskets of Christian relics. But he loved especially those things which were easily disposed of. No sooner had he purchased a diamond than he pawned it to employ the money again. He even condescended to cheat a bishop into resigning two rich benefices, which he wanted for two of his creatures, by promising him a recompense which he took good care not to pay. To marry his nieces to the highest bidder, to reward his supporters, quiet his enemies, and pay his servants, by pensions from the state and benefices from the church, to amass an enormous fortune by fair means and foul, such were the objects of the internal government of France, adopted by Mazarin and supported by Colbert, during the eight miserable years which elapsed between the suppression of the Fronde and the death of the cardinal. But perhaps after all France did not pay so dearly for them. The intimate knowledge of the backways of corruption and peculation acquired by Colbert in the service of the cardinal no doubt did much to enable him as minister to stamp out the hydra-headed enemy, and give to France the best years of administrative purity she has ever known.

HENRY OFFLEY WAKEMAN.

The Life and Times of Anthony Wood: collected from his Diaries and other papers. By ANDREW CLARK, M.A. Vol. II, 1664–1681. (Oxford: Printed for the Oxford Historical Society. 1892.)

COMPARED with the last edition of Wood's life, edited by Dr. Bliss in 1848 for the Ecclesiastical History Society, this is practically a new

work rather than a new edition. The account of the years 1664 to 1681 inclusive fills about 100 pages in Dr. Bliss's work, but makes up a volume of 560 pages in Mr. Clark's. In Dr. Bliss's book the year 1674 was represented by 14 lines only, and 1675 by 36. For the years 1676 and 1680 there were no entries at all. All these gaps are now filled up, and we have here for the first time the complete contents of Wood's pocket almanacks, copiously supplemented from his manuscript collections and notes. Much of this new matter is naturally only of local interest and relates to university or city affairs. Frequently, however, as for instance, in the accounts of the royal visits and parliaments of 1665 and 1681, there are accounts given of events of more general historical interest. Wood jots down also what he knows of court and parliament news, as well as the gossip of coffee-houses and common-rooms. Notices of persons—sometimes supplemented by pedigrees from Wood's papers and anecdotes of every kind—supply rich materials for the biographer and the social historian. Wood's daily notes of his expenditure extend up to September 1670. From these the historian of prices may learn what hats and handkerchiefs cost, and how much Wood paid for shoe buckles, shirts, gloves, and a hundred other things. It is possible to realise from them much more truly than from the meagre entries of the old life what manner of man the great antiquary was. He was by no means unsociable, and on most days seems to have spent some little time at a coffee-house or tavern with his friends. He saw whatever shows were to be seen either in the university or city—from state visits and state funerals to plays and monsters—paid sixpence one day to see the dancing on the rope at the Guildhall, and twopence another to see the lion and the camel at the Fleur de Luce (p. 15). Once he records going to hear the nightingale sing, and once at least, when his 'History' was finished, he spent the afternoon in Witham Mead, under a haycock. 'Deus nobis haec otia fecit' (pp. 106, 290). He was not averse to spending money on fine clothes when he could afford it. In 1665 he bought himself 'a studying gown of necterello, which cost me out of the shop 2*l.* 15*s.* 9*d.*, as the bill which I have shows,' and in 1674 gave 1*l.* 16*s.* 6*d.*, for a new periwig of a flexuish colour and soft,' which like King Stephen he held all too dear (pp. 35, 286). Many of the entries record Wood's failing health, and note his expenditure in 'physic-drink' and similar specifics. In 1676 he took a journey to Bath hoping to cure his deafness. 'I received at the dry pump in the King's bath nine thousand two hundred and odd pumps on my head in about a fortnight's time: but I found no present remedy' (p. 350).

However only a small portion of the new matter relates to Wood himself. He records incidents of all kinds, portents, bad seasons, burglaries, murders, scandals, jests, anything which at the moment interested himself and seemed worth remembering. He notes the making of Christ Church Walk and the planting of the elms on the south side of it, the replanting of Magdalen walks, the decline of St. Alban Hall and the desertion of Gloucester Hall, and other points of interest in college history (pp. 188, 398, 468, 479). Of the condition of the university at large Wood draws a very dark picture, lamenting continually the decay of learning, the neglect of discipline, and the increasing frivolity and corruption of the age (pp. 34, 56, 76, 125, 212, 300, 332, 348).

[illegible] with admirable skill and [illegible] to Wood's papers, and to his collection [illegible]. The illustrations to this volume comprise a [illegible] of the age of thirty-five, a plan of the schools, a [illegible] of University College, and half a dozen [illegible] involving at different periods of his life. A [illegible] may be truly stated [illegible] for 'paid a jury' read [illegible] for 'Henry Cavendish, second Duke of [illegible] William Cavendish, first Duke.' The play acted in [illegible] was probably Lee's [illegible].

C. H. FIRTH.

[illegible]. By A. T. MAHAN. London: [illegible] 1892.

[illegible] *the French Revolution and Empire*. By A. T. [illegible]. London: Sampson Low, Marston, & Co. 1892.

It is remarkable that English writers should have given so little attention to the naval operations connected with giving us a mere narrative [illegible] attempted to explain, they have rarely attempted to inquire [illegible] causes and effects of the control of the sea. No doubt the [illegible] Clowes's 'Naval Warfare' 1891 [illegible] Laird Clowes 1895, has done something to remove [illegible] in this department [illegible] to our knowledge, [illegible] a character as that of Captain Mahan. [illegible] the late president of the United States Naval [illegible] at Newport, to give us the first complete treatise on [illegible] of his articles [illegible] to questions [illegible] of the technical character [illegible] in the disposition of their [illegible] in pursuance of a strategic [illegible] by [illegible] by those of [illegible] century, has [illegible] to take after [illegible] of the sea [illegible] graphical [illegible] national [illegible] to [illegible] the year 1660, [illegible] American [illegible] they [illegible] with Nap[illegible] [illegible] this [illegible] the [illegible]

of the sea. He shows us how throughout that period England was successful as long as she kept it, and failed only when from whatever cause she temporarily lost it.

Among many points of interest the following have especially struck us. Carl von Noorden in his 'Europäische Geschichte im achtzehnten Jahrhundert,' a work unfortunately left unfinished at the author's death, was the first to draw out very clearly the commercial interests of England which were involved in the question of the Spanish succession, a point certainly not sufficiently dwelt upon by English historians. To this point Captain Mahan returns with new force. Reminding us that the war was not originally waged to prevent Philip V ascending the Spanish throne, but to secure the commercial interests of England and Holland, more particularly in South America, he shows us how the appearance of the Archduke Charles as a claimant altered the character of the war, and diverted the aims of England to the Mediterranean. From that struggle she emerged as a Mediterranean power, with Gibraltar and Port Mahon in her hands, and though failing in securing the crown for Charles made herself at least the mistress of the sea. In dealing with the seven years' war Captain Mahan makes it plain how entirely the success of Wolfe depended on the fleet. The victory on the heights of Abraham would have been impossible if he had not been supported by the English ships; if Boscawen had not in 1758 seized Louisburg, the port on the island of Cape Breton, and thus opened the St. Lawrence into the heart of Canada. His fleet carried the army to the spot and moved up and down the river as circumstances demanded; while the final relief of Quebec, then in English hands, and the surrender of Montreal were due to the arrival of a fresh English squadron which destroyed all hopes of reinforcements from France. Nor was it only in Canada that France lost by her 'failure to act at a distance by sea.' To this mainly is to be attributed her loss of India. It has been usual in comparing the two rivals Dupleix and La Bourdonnais, whose differences were so fatal to French success, to give the palm to Dupleix. He it was, we are told, who anticipated the ideas of Clive, and who, if he had been adequately supported, might have laid the foundations of a French empire in India. But our author, while not denying the magnificence of Dupleix's aims, asserts that the views of his rival, if less exalted, were sounder, since he aimed at the supremacy of the sea, 'at a dominion based upon free and certain communication with the home country, instead of the shifting sands of eastern intrigues and alliances.' Whether La Bourdonnais was right in selecting the Île de France and the Île de Bourbon as the centre of the empire may be well doubted, for their distance from India is great; but no one will doubt after reading Captain Mahan that it was the inferiority of the French on those seas which finally determined the question.

To the war of American independence Captain Mahan devotes nearly one half of his first work. This may be partly due to the fact that the war is of enduring interest to his countrymen, and that it gives him an opportunity of illustrating his teaching from events and over a map familiar to his readers. The result at least is not to be regretted, for we are accordingly presented with a most careful study of that war, particularly from the naval side. The naval power of France had been

so materially increased by the duc de Choiseul that when she intervened in the war her navy, united to that of Spain, was nearly equal to that of England, an equality 'which was affected to the disadvantage of England by the superior size and artillery' of the enemy's ships. Thus we are introduced to a maritime war the like of which had not been seen since the days of De Ruyter and Tourville, 'which covered all the quarters of the world at once.' The result, as far as the colonies were concerned, was decisive. Foiled by the French fleet in her attempt to reduce the Atlantic seaboard, England was unable to cope effectively with the rebellion. Finally the appearance in Chesapeake bay of the overwhelming force under Admiral de Grasse and the consequent retreat of the English admiral Graves to New York led to the capitulation of Cornwallis at York Town and practically finished the war. Elsewhere, indeed, England acting on the defensive managed to hold her own. The French admiral Suffren proved more than a match for his brave but somewhat inferior adversary Hughes, and the peace extricated the English from a critical position. But in the West Indies Rodney's great victory over Grasse at Dominica at least secured our mastery over those seas and enabled England to escape from an unfortunate war on better terms than might have been expected.

In his second book Captain Mahan deals with the wars of the French revolution and empire, a subject of even greater interest to the general reader. We are thereby enabled to realise how completely the Napoleonic struggle was, so far as England was concerned, a war of commerce, and how largely our control of the sea contributed to the fall of Napoleon. The emperor, disappointed in his attempt to restore his navy and invade England, determined to attack her in her commerce. Hence the Berlin and Milan decrees which ushered in his 'continental system.' It is frequently asserted that the retaliatory policy of the English orders in council was a mistake. The French, it is said, having no fleet at sea, could not enforce their decrees; but England by her 'orders' became the executors to her own loss. Captain Mahan, while acknowledging that these orders violated the then accepted principles of international law with regard to neutrals, holds that on the grounds of policy at least they are to be justified. As 'the combined tendency of the two policies, if fully carried out, was seriously to interfere with, if not to destroy, the neutral trade, the preponderance of injury must fall upon the nation which most needed the concurrence of the neutral carrier. That nation unquestionably was France.' As long as Great Britain ruled the sea the neutral was more or less serving France. To crush the neutral trade was therefore to deal a serious blow at her principal enemy. These arguments appear conclusive. No doubt the policy of the English government involved us in an unfortunate war with America. No doubt in this fearful struggle 'England suffered, almost died;' but the struggle was for life or death, and in the end England won. The book closes with a masterly review of the whole policy of Great Britain throughout the revolutionary and Napoleonic wars. Here Captain Mahan holds a brief for England, against the attacks of many of our writers, notably Macaulay. The defence of Pitt's policy is particularly noteworthy. The ability and originality of the argument will be best realised if read side

by side with the somewhat half-hearted advocacy of Pitt's war ministry in the ninth chapter of Lord Rosebery's life.

We have devoted so much attention to the historical aspects of the works under review that but little space remains for consideration of the questions of naval strategy and tactics. With the tactics we do not venture to deal. They are the domain of the specialist. Moreover, since their principles vary from age to age, the experience of the past is not so valuable to us. Those of strategy are far more permanent and involve such momentous issues that we must briefly dwell upon them. Students of naval strategy may perhaps complain that Captain Mahan has not presented his views in a separate treatise, as has been done for military strategy by Sir Edward Hamley in his 'Operations of War,' or for 'Naval Warfare' by Admiral Colomb. However that may be, they can be thus summarised.

Captain Mahan insists on the superiority of the policy generally adopted by the English of 'concentrating all efforts to the destruction of the enemy's fleet; of his organised military forces.' It follows that naval forces should be concentrated at the decisive points, even if such concentration necessitates the abandonment of some position strategically valuable—the supreme object to be attained being the final destruction of, or complete mastery over, the enemy's fleet—an aim so successfully attained by the battles of the Nile and Trafalgar. The French on the contrary have ever subordinated the naval strategy to other 'ulterior' military objects. 'They have always preferred the glory of assuring or preserving a conquest to that, more brilliant perhaps, but actually less real, of taking some ships.' Thus the action of their fleets has been subordinated to the attack of posts and has generally been defensive. They preferred the position to leeward as best suited these defensive tactics. They avoided fighting an action to a decisive issue. In pursuance of these principles they abandoned all idea of controlling the sea, and often suffered severely by the neglect of opportunities which never returned. Of this the best examples are to be found in Grasse's conduct off Fort Royal, April 1781, at St. Kitts, January 1782, and again off Dominica, April 1782. Thrice he sacrificed the opportunity of inflicting a crushing blow to distant views of ulterior policy, to suffer on 12 April a disastrous defeat at the hands of Rodney, who seized the opportunity let slip by him and thereby not only secured the control of the sea but utterly ruined the 'ulterior objects' which the French admiral had in view. Contrast with this Nelson's rule of fighting whenever he had a chance and his dissatisfaction whenever one of the hostile fleet escaped which might have been taken or destroyed.

The author next dwells on the comparative inefficiency of *la guerre de la course*, i.e. of a cruising war against commerce, so often adopted by the French, notably under Louis XIV and again under the directory and the empire, when they had abandoned as hopeless the naval command of the sea. On this point the evidence adduced by Captain Mahan is conclusive. He shows that the total loss inflicted on English commerce by the French cruisers during the latter period did not exceed 2½ per cent. of the tonnage, while that loss was partially made good by prizes taken by English ships of war. Meanwhile in 1799 the directory confessed that

the English fleet had so completely mastered the sea that they had n a single merchantman afloat carrying French colours; all who kept t sea having fraudulently adopted those of neutral countries.

Finally he insists on the advantage to be gained by blockading watching the enemy's harbours, whereby not only is the efficiency of t enemy sapped by enforced idleness in port while your own men are constant training, but any attempt on their part to concentrate can quickly met. This policy no doubt involves tremendous strain on shi and men, and is contrary to some of the highest professional opinion,[1] b it was adopted with striking effect by England during the momento period from May 1803 to August 1805. 'The world has never seen more impressive demonstration of the influence of sea power upon histo Those far distant, storm-beaten ships, upon which the grand army ne looked, stood between it and the dominion of the world. Holding t interior positions they did, before, and therefore between the chief do yards and detachments of the French navy, the latter could only un by a concurrence of successful evasions, of which the failure of any o nullified the result. Linked together as the various British fleets w by chains of smaller vessels, chance alone could secure Bonaparte's gr combination. . . . Thus while bodily present before Brest, Rochefort, a Toulon, strategically the British squadrons lay in the Straits of Do barring the way against the army of invasion.'

We have said enough to prove the interest of these books. They not profess to be based on original research. The authorities used mainly French, and these, though superior in literary merit to our Engl naval histories, are always one-sided, sometimes incorrect. Dependi almost exclusively on these, our author has been led into mistakes wh a reference to original sources or even to English writers would h corrected. These errors, however, are in matters of detail with regard tactics or with regard to the losses suffered by rival fleets, and do affect the wider lessons of the work. Though the general reader may w that the tactical details had been less full, and the naval specialist m complain that there is too much history, as a treatise on the influenc sea power on history, and especially on the sources, the growth, and effect of that power in the hands of England, these volumes stand with a rival; and their lessons are equally valuable to the historian, the stat man, the naval strategist, and the tactician. A. H. Johnson

Corrispondenza tra L. A. Muratori e G. G. Leibniz, conservata nella Biblioteca di Hannover ed in altri Instituti, e pubblicata da Matt Campori. (Modena: G. J. Vincenzi e Nipoti. 1892.)

This volume forms a welcome supplement to what was already kno concerning the literary dealings between two illustrious historical schol Who would be anxious to lay too prompt a finger upon the instances friction observable in transactions between Muratori and Leibniz? W would not rather dwell on the fresh evidence Signor Campori's collecti furnishes of the sympathy between them, of the essential agreement

[1] See on this question Colomb's *Essays on Naval Defence*, c. iii.

their methods of research and synthesis, and of the consequent coincidence between not a few of their discoveries as well as of their conclusions in the same or contiguous fields? Historical students may well revere the names of both, and allow to each the palm which he was himself, so to speak, the first to break from a particular virgin branch. In his collection of 'Scriptores' Muratori was the first scholar who brought together a series, at once systematic and comprehensive, of the sources of a national history. In his 'Annali' he was in fact only one of several who followed, with what degree of consciousness need not be here determined, the example of the unfinished labours of his elder contemporary. Doubtless in any compendium (and will the most elaborate literary biography which may ever be attempted of him succeed in being more?) of the intellectual labours of Leibniz the story of his great historical fragment cannot occupy more than a subordinate place. It would be unjust to the self-knowledge of a great man to pretend otherwise; for he plainly told Burnet that he preferred philosophical studies. Yet, apart from the circumstance that it was the only work which he ever executed—or perhaps it might even be said, which he deliberately planned—on so extensive a scale, it may be averred to have, more distinctly than anything else produced by him, begun a new era in the particular branch to which it belonged. To this fact witness is borne, in no hesitating terms, in the admirable preface with which Pertz, in 1843, introduced the 'Annales Imperii Occidentalis Brunsvicenses' to that light of common day from which they had so long been kept concealed. The work possesses another kind of interest, whereof nothing more than a passing word need be said in the present connexion. These 'Annales'—not the 'Annales Guelficae,' which represent Scheidt's recension of Eckhardt's elaboration of a merely secondary or concomitant portion of Leibniz's labours, and which owed their prior appearance to George II's candid preference for the glories of his own house—may be said to have been, both after his death and during his life, the *Schmerzenskind* of Leibniz's authorhood. Their production, for many years (as George I sarcastically expressed it) 'invisible,' then rapid, and at the last again slow and halting, is but too closely connected with the long series of disappointments and indignities that attended his personal career down to its painful close, and that reflect disagreeably enough on the character of the patronage exactingly extended to him by the head of the very house which his monumental work was designed in its own way to honour.

So much it seemed not inappropriate to recall, without reviving the *infandum dolorem* of wrongs never to be redressed, because the reader of the present 'Correspondence,' which practically reaches from 1708 to 1716, might peradventure overlook the relation, in point of time, of the respective beginnings of the researches carried on by the two writers in the same field. Muratori was, in truth, from this point of view *giovanissimo* in Leibniz's eyes; and one might perhaps wish that so great a man had been great enough to overlook the fact that unrevealed discoveries of his own were liable to being made over again. To be sure he had seriously begun his labours on the Guelphic *origines* at least as far back as 1687, and, after investigating them in Southern Germany, had in 1689 carried his researches into the Italian archives, and into those of Modena in

particular. Here it was that, after abandoning the untenable assumptio of the descent of the house of Este from Charles the Great himself, h had convinced himself of its being traceable to the Frank count Bonifaciu who so chivalrously served Charles's Guelph daughter-in-law, and thu found the historic starting-point of the great historic work over which h was to brood so long. And so in other matters. When, early in Februa 1711, Muratori forwarded to him a series of dissertations on the father, c the grandfather, on the great-grandfather, and on the other ancestors the margrave Albert Azzo (II) of Este (*Azon qui et Albertus*), the husba of the Guelph Cunigunda, and the father by her of the Bavarian du Guelph IV, in the hope that Leibniz would publish them in compa with the forthcoming second volume of his 'Scriptores Brunsviciens illustrantes,' he received a singularly cool reply. Leibniz had, or profess to have, excellent political scruples, with which he had inspired Bernstorf and he further hinted to the Italian scholar that he had long since been possession of *tout ce que vous avez tiré de Puccinelli, d'Ughelli, de Ma garini, de Campé, de Florentini, de Cosmo della Rena, de Gamurrini, Bély, de Blondel, et aussi ce que vous avez tiré della Vangadizza, j'ai été moi-même en personne. Cependant vous avez, joint à cela, quanti de belles notices*, &c. This quotation illustrates the tone of part, b part only, of this correspondence, so far as Leibniz is concerned; and occasionally reaches a greater degree of bitterness (see the letter dated April, 1716, with its more liberally conceived postscript of 30 April follo ing). In justice to Leibniz, whose rather querulous tone may seem contrast not altogether favourably with the eager enthusiasm of his co respondent, it might be well to refer, in connexion with Signor Campor volume, to Pertz's account in the well-known preface already cited the continuity of Leibniz's historical labours, both those of a wider, a those of a special or genealogical scope, and to Dr. Bodemann's interes ing and instructive record of Leibniz's 'Sketches for his Annals,' 16 and 1692 ('Zeitschrift des historischen Vereins für Niedersachsen,' Jah 1885). I may add that on pp. 195–202 of the same scholar's valuab 'Briefwechsel des G. W. Leibniz in der K. ö. Bibliothek zu Hannove will be found a complete calendar of so much of the corresponden published by Signor M. Campori as is derived from the all but inexhaustib Leibnitian stores preserved on the banks of the Leine. Signor M. Camp has, however, largely supplemented these from the 'Archivio Soli-Murato and the 'State Archives at Modena,' from his own collection of man scripts, and from printed works, among which is the tribute by Signor Campori to the two historians, composed on the occasion of the unveili of Muratori's statue at Modena in 1853. For reasons at which I ha sufficiently hinted, and on which Signor M. Campori has touched with go taste in his own preface, it was desirable that the other side of the pa (so to speak) should be made more distinctly known.

In conclusion, it may be worth while to advert to the illustration on more furnished by this interesting volume, of the intimate connexi between the political disputes and jealousies of the period to which th correspondence belongs, and the researches on which it turns. Inde (since the first letter in the present *recueil* might without inconvenien have been omitted), it may be said that the literary intimacy betwe

Leibniz and Muratori was originally due to Modenese diplomacy in the persons of Counts Bergomi and de Giannini at London and Vienna, seconded by the Hanoverian Baron (afterwards Count) von Huldenberg at the latter court, with the leverage of the family pride of the Empress Amalia, the daughter of John Frederick of Hanover, the first patron of Leibniz among the members of the house of Lüneburg. Their immediate purpose was to take advantage of the independent attitude assumed, in contrast to that of his father Leopold I, by the emperor Joseph I, in order to press the claims of the house of Este upon the duchy of Ferrara, annexed to the papal dominions more than a century before by Pope Clement VIII. The house of Modena had never abandoned these claims, and in the great seal of Queen Mary Beatrice may be seen the armorial insignia of the lost duchy. The imperial occupation of Commachio in May 1708 attested the willingness of the Emperor Joseph to listen to the Modenese inspirations, as to which Signor J. Campori published some interesting evidence as far back as 1878 (see Brosch, 'Geschichte des Kirchenstaates,' ii. 42, note). The dispute, which was further complicated by the question as to whether Commachio itself was an imperial or a papal fief, outlasted the situation which had favoured its revival, and indeed outlasted the life of Leibniz, whom it had from the first been thought expedient to interest in it. But while Muratori's official appetite had been whetted by this conflict with the papal pamphleteers, and had encouraged him in the advancement of more extensive claims connected with his studies in the antiquities of the house of Este, political reasons contributed to Leibniz's unwillingness to espouse them as joint spokesman of the interests of both lines of the descendants of *Azon qui et Albertus*. An examination of these reasons evidently belongs to a different branch of historical studies than that on which this 'Correspondence,' and the genealogical dissertations of Muratori reprinted in it, primarily throw light.

A. W. Ward.

France under the Regency. By J. B. Perkins. (London: Macmillan & Co. 1892.)

More than half of this book is devoted to a sketchy review of French history between the death of Mazarin and that of Louis XIV. The remainder deals with a period which affords scope for original treatment and fresh research, and concerning which many of the views currently held stand in need of some modification. But the reader who looks to this book for an adequate judgment on the importance of the regency as anticipating some of the ideas of 1789, as the one period when a serious attempt at reform was made while it was yet time, or on the effects of Law's operations upon the commerce and agriculture of France, is doomed to disappointment; he will find abundance of originality, but a lack of the historic sense. Mr. Perkins writes history in the style of the new journalist, and combines inaccuracy of detail with perversity of view: he is consumed by a Quixotic zeal for tilting at whatever established opinions he comes across, but the effectiveness of his onslaughts is seriously impaired by an unerring choice of the most impregnable positions to attack and of weapons least suited for his purpose.

It has been commonly agreed that William III was mainly in the right in

attempting to make the succession of a Bourbon to the undivided possessio of the Spanish monarchy an impossibility; but, according to Mr. Perkin the whole policy was a colossal blunder. 'Even if Philip,' he writes, 'ha been left to enjoy in peace the entire Spanish inheritance, neither th liberties nor the prosperity of England and the United Provinces wou have been endangered. William's mistake was that of his contemp raries when they believed that if the sovereigns of France and Spain we united in blood they would necessarily be united in policy. The histo of those countries shows how unimportant are the ties of kith an kin. . . . Louis XV was the nephew of Philip V, and four years aft the peace of Utrecht France was engaged in a war with Spain. Th relationship between the kings of Spain and France in the eighteent century was no closer than it had been in the seventeenth, and it had little influence upon their policy' (pp. 268–9). This passage is characte istic of Mr. Perkins, and it would not be easy to construct one containi more flagrant misrepresentations. The instance quoted of the wa between France and Spain is fallacious, because it took place whe Orleans and not Louis XV ruled France, and the interests of the tw were diametrically opposed; the policy of Spain, moreover, was directe not by Philip V, but by Elisabeth Farnese and Alberoni. On the othe hand Spaniard and Frenchman fought together against the Austrian i Italy during the wars of the Polish and Austrian successions, and again England during the seven years' war and the war of American indepe dence; with the one exception mentioned France and Spain did not on fight against each other until the revolution. Indeed, the most prominen feature in European relations of the eighteenth century is the clo alliance between France and Spain against England. The relationshi between the kings of the two countries may have been no closer than i the seventeenth century, but it was different in kind, being one of bloo not one of marriage. Again, were the various *pactes de famille* no menac to English prosperity? and if they were a menace under the actual ci cumstances, what might they not have been had France and Spai retained unimpaired the possessions they held before the Spanish succe sion wars? But Mr. Perkins is at least consistent, and practises onl what he preaches. 'The history of the century,' he says (p. iii), 'natural divides itself into epochs, any one of which can be studied by those wh so desire, without any necessary reference to the others,' and his ow researches appear to have stopped short at the close of the regency.

No less partial is the estimate of Alberoni; he is charged with bein a dreamer and exhibiting gross incompetency. The whole responsibilit for the war with France is thrown upon him, on the ground that Philip was incapable of insisting upon any measure whatever, as if his wife we liable to the same reproach. It is a fair test of the value of Mr. Perkins view of Alberoni that he never once quotes Keene, and relies almost exclu sively upon the reports of the French ambassadors, who naturally regarde Alberoni as their arch-enemy, and not one of whom, as Noailles confesse had taken the trouble to make himself acquainted with the Spanish cha racter and interests. Mr. Perkins's admiration is reserved for Dubois between whom and Alberoni he considers that there can be no comparison The abbé's policy of peace at any price and subservience to England i

defended on the ground that the subsequent wars with England cost France her foreign empire, an argument which curiously perverts the fact that this very policy of Dubois and his successors, by allowing the French navy to rot, and by neglecting Dupleix and La Bourdonnais, was one of the chief factors in England's success. These are a few instances of Mr. Perkins's perversity of view; the book abounds in *obiter dicta* which call for confirmation or explanation, and receive none. We are told, for instance, that 'religious belief was defined with a narrowness that would have been extreme in the age of Thomas Aquinas' (p. 10). Mr. Perkins moreover uses constructions to which we are not accustomed on this side of the Atlantic, and presents us with such expressions as 'Louis wrote Tallard to insist that England,' &c. (p. 257); but even American rules of spelling will scarcely justify 'cardinal del Judice' or 'Casal.'

A. F. POLLARD.

La Fin d'une Société. Le Duc de Lauzun et la Cour Intime de Louis XV. Par GASTON MAUGRAS. (Paris: Plon. 1893.)

THE frontispiece of this handsome volume is a charming portrait of the Duke de Lauzun (as he afterwards was called) at an age which may even in his case be confidently described as one of innocency. In other respects the book offers little that is new, in spite of the rather pretentious additional title which, like one of Balzac's or M. Zola's novels, it wears on its front, and which seems to imply that it is a kind of contribution to the social philosophy of history. There is, no doubt, an introductory chapter on the condition of manners during the latter half of the eighteenth century; but such strength as it possesses lies in its anecdotage, which has no very original flavour. M. Maugras has a theory that in the good society of his favourite age the license permitted to speech did not extend to gesture; and one feels disposed to trust him so far. The favourite amusements of country life among *des gens de très bonne compagnie et d'un ton excellent* appear to have included practical jokes which would assuredly have appeared hazardous even to the fancy of Theodore Hook. And, from a comparative point of view, I have small doubt but that the best French society of the period was not very appreciably in advance of the best English, which Paris and Versailles were apt to welcome in its most dishevelled specimens. On this opinion Lauzun's 'Memoirs' offer a sufficient commentary, inasmuch as he was intimate with the worst best society in both countries.

As for the body of the book, its purpose seems to be to carry on the empty story of Lauzun's dissolute life during its least interesting period, with such excursions, digressions, and illustrations as the editor can find occasion for, and with a constant powdering of his text from the inexhaustible handbooks of gossip bearing the names of the Prince de Ligne, Madame du Deffant, and Horace Walpole. After the death of Louis XV, owing (if the 'Memoirs' are to be believed) to the paradoxical character of Lauzun's relations with Queen Marie Antoinette, and owing still more to the fact that he was a ruined man, the variety of his adventures becomes extraordinary, and they form more or less a part of the general history of his age. But during the period covered by the volume before us, they merely formed part of its *chronique scandaleuse*. Even in those

portions of M. Maugras' narrative, which in its general method recalls (with certain differences) that of the late Dr. Doran, Lauzun is only an incidental figure. He had little or nothing to do, except as a sympathetically interested previous acquaintance, with the rise of Madame du Barry, or with the downfall of Choiseul which was its (no doubt indirect) consequence; and though with the rest of society he helped to convert the dismissed minister's exile at Chanteloup into a defiance to the court, his chief pre-occupation there was probably the 'insupportable effort' made to induce him to fall in love with his wife. And least of all had he a conscious share in those anticipations of a new *régime* to which more incidental passages in this volume than can here be noted loudly testify.

M. Maugras has slightly added from original sources to Lauzun's account of the final overthrow of the independence of Corsica by its French deliverers; but, on the whole, the exigencies of book-making must be held accountable for the revival of the disreputable book, something like the half of which forms the substance of the present volume. Concerning the question of the genuineness of the 'Memoirs' of the Duc de Lauzun, M. Maugras has nothing (so far as I can observe) to add to the arguments urged in its favour by M. L. Lacour in his introduction to the edition of 1858, and he has not even thought it worth his while to reproduce these arguments with the same completeness. The chief among them appears to be the *authenticity* of the narrative itself, as controlled from other sources. I am unable to offer an opinion worth putting on paper with regard to a question which accepted authorities appear to have summarily decided. A characteristic product of their age and its 'society' these 'Memoirs' certainly are, with their very strong dash of Casanova, and their almost more 'unsupportable' touch of Jean-Jacques; with their amalgam of the *grand seigneur*, the squire of dames and the braggart absolute, from which those who will may extract whatsoever grains of gold are contained in it. For my part, although no admirer of Lauzun, I prefer his 'Memoirs,' of which he is at all events the undisputed hero, to M. Maugras' attempt to present him, in the least heroic part of his career, under the less winning aspect of a type. A. W. Ward.

Captain Cook's Journal during his first Voyage round the World made in H. M. Bark 'Endeavour,' 1768–71. A literal transcription of the original MSS. Edited by Captain W. J. L. Wharton, R.N., F.R.S., Hydrographer of the Admiralty. (London: Elliot Stock. 1893.)

It is surely a remarkable coincidence that just as we have been celebrating the fourth centenary of Columbus's first voyage, we should receive Captain Cook's journal of *his* first voyage, a voyage which, more perhaps than any other except that of Columbus, has affected the history of the world and the destiny of nations. It is curious too that this journal should now be published for the first time. On the conclusion of the voyage a copy of it was put into the hands of Dr. Hawkesworth, who, after the manner of his time, and for the handsome honorarium of £6,000, hashed it, mingled it with a similar hash of the journals of Mr. (afterwards Sir Joseph) Banks and of Dr. Solander, and so produced the elaborate quartos which we all know. It is only now, 120 years later, that it has been

happily suggested to the hydrographer of the admiralty to bring out the real thing, the actual journal, as it was written under Cook's direction, from his own notes and corrected by his own hand.

Captain Wharton has described the manuscripts from which he has had to work. There are, he tells us, three copies of the journal. 1. A copy sent home to the admiralty from Batavia, which ends abruptly on 23 or in civil time 22 Oct. 1770, a few days after the arrival of the 'Endeavour' at that port. 2. The copy brought to the admiralty by Cook himself on his return, which contains the whole voyage. The entry for 24 Oct. 1770 runs: 'In the P.M. (that is, in the afternoon of the 23rd) I went up to Town in order to put on board the first Dutch Ship that sails, a pacquet for the Admiralty containing a copy of my Journal, a Chart of the South Sea, another of New Zealand and one of the East Coast of New Holland.' 3. A copy now in the possession of the Queen, which Captain Wharton thinks was written out for George III, 'who took great interest in the voyage.' It ends on 10 Oct. 1770, the actual day of reaching Batavia.

The history of these copies is interesting. No. 1 Captain Wharton supposes to have been appropriated by Sir Philip Stephens, the secretary of the admiralty. This is extremely probable. From Pepys to Croker, it was the pleasant way of secretaries of the admiralty to appropriate papers, or—which came to the same thing—to take them home to read them there more at leisure, and forget to bring them back. In this way hundreds of important documents have been lost, and scores have wandered away from their legitimate abode, to be caged in different known or unknown collections throughout the kingdom. This 'Stephens' copy continued in Sir Philip's family till 1868, when it was bought by Mr. Cosens. In 1890 it was again sold to Mr. John Corner, who, as an enthusiastic admirer of Captain Cook, determined that it ought to be published. Mr. Corner unfortunately died before the necessary arrangements could be made, and it was left for his son to complete them, with the result that the journal now appears, ably edited, and beautifully printed. No. 2, the perfect copy brought home by Cook, is now again in the possession of the admiralty, 'though in some unexplained manner it was absent for some years, and was only recovered by the exertions of Mr. W. Blakeney, R.N.,' who, some twenty years ago, was a civil assistant in the hydrographic office. It would have been interesting if Captain Wharton could have gratified our natural curiosity as to where the manuscript was during its absence, and how Mr. Blakeney retrieved it. Borrowed and not returned is the probable explanation of a loss that was fortunately only temporary.

These two copies are both in the handwriting of Richard Orton, the ship's clerk. It is from No. 1, now Mr. Corner's, that the book has been printed; No. 2 supplying the concluding portion after 23 Oct. 1770. 'No autograph journal is, so far as is known, in existence, but some rough original must have been kept, as both copies bear internal evidence of having been written up after the lapse of an interval after the events described.' One proof is that whereas Botany Bay was at first called by Cook Stingray Bay, the name Botany Bay not being adopted till 'after Banks had examined his collection and found all his plants new to science,'

both 1 and 2 call it Botany Bay from the first mention. The proof of precedence is as clear. 'The name "New South Wales" was not bestowed without much consideration, and apparently at one stage New Wales was the appellation fixed upon, for in Mr. Corner's copy it is so called throughout, whereas the admiralty copy has "New South Wales." It would therefore seem that about the period of the discrepant accounts, Mr. Corner's copy was first made, and that Cook, in the Admiralty copy, which for this part is fuller, revised the wording of his description of this very critical portion of the voyage.' 'From the 13th to the 19th August, 1770,' Captain Wharton says, 'the language in Mr. Corner's copy of the Journal is quite different from that of the admiralty and the Queen's, though the occurrences are the same. From internal evidences it appears that Mr. Corner's copy was at this period the first written up, and that Cook amended the phrases in the other fair copies.'

The interest of the journal is unquestionable, but it is mainly literary; the facts remain as we have known them in the pages of Hawkesworth; or rather, as Captain Wharton has pointed out, many of the facts and observations recorded by Hawkesworth are not mentioned by Cook; they are the contribution of Banks or Solander. But as a matter of style, the simple narrative of Cook is by much superior to the ponderous verbosity of Hawkesworth. Captain Wharton's notes, too, are just what they should be, long enough and not too long, sufficiently numerous but not too numerous. On one point alone a difference of opinion may be possible. The transcription, as stated on the title-page, is 'literal,' or rather is intended to be literal; for no human patience or care could compel a modern printer to follow exactly Mr. Orton's orthographic vagaries, and from the extract in facsimile facing page 76 it is clear that this particular printer has not done so. Mr. Orton's 'Docter,' for instance, appears as 'Doctor;' and a word that, in the facsimile, appears as 'Contach' is printed 'Contact.' It may, however, be doubted whether to attain the relative degree of success was worth the trouble that it must have cost. The spelling, good or bad, of Cook himself might have some little biographical interest, which certainly does not belong to the blunders of an obscure and illiterate clerk. With all their faults, Dr. Hawkesworth's volumes have at least the merit of showing that neither Orton's spelling nor his lavish use of capitals was recognised in 1773. J. K. Laughton.

The Life of Thomas Paine. By Moncure Daniel Conway. (New York & London: G. P. Putnam's Sons. 1892.)

A curious and malignant fate follows Thomas Paine in the persons of his biographers. First of all he fell into the hands of Chalmers (Francis Oldys), who made almost every statement an opportunity for insinuation against him, and last of all he has been championed by Mr. Moncure Conway, who seems to identify praise of his hero with denunciation of everybody else. It is difficult to decide which method is more likely to damage Paine's character, for both are easy of detection, while an indictment against all the people with whom he fell out seems even more unjustifiable than an indictment against Paine himself. The pages of the book read almost like a sacrificial procession in which Mr. Conway leads up reputation after reputation to sacrifice before the shrine of his idol. Yet had

Mr. Conway proved or even investigated his charges against his hero's contemporaries, their introduction into this biography would not be wholly unjustifiable. But into serious historical investigation he seems strangely unwilling to venture. Let us take, for instance, the references to the younger Pitt. The more vague changes may be passed over. Of specific accusations some few illustrations may be given. Pitt, Mr. Conway tells us, died 'crushed under disclosures in the impeachment of Lord Melville.' Of course in the case of an historical work the blunder as to the date of Lord Melville's impeachment, which took place after and not before Pitt's death, would be serious in itself. The vote of censure in the House of Commons and the impeachment in the Lords were two different matters. Here it is of importance when taken in conjunction with the assertion that the disclosures were in some sense the cause of Pitt's death. What disclosures? From the language of the paragraph one would imagine that Pitt himself was implicated and proved to be implicated in criminal dishonesty and died heartbroken at the dishonour with which he was covered. On the contrary, Melville was censured for gross irregularities and on a charge of malversation, of which, however, he was acquitted on impeachment by large majorities; while Pitt, grieved though he was at the vote of censure on his friend for action in a department with which he personally had nothing to do, died from the progress of a well-ascertained physical disorder aggravated by his terrible anxiety and unremitting toil on behalf of his country. In another passage we meet the statement that in his budget of 1792 'Pitt was suspected of stealing Paine's thunder.' This enigmatical utterance means that Paine himself accused Pitt of copying his budget scheme from a book of his own which was not published at the time. This trifling obstacle Paine explains away by pointing out that the work in question had been in the hands of Chapman, the printer for George Chalmers, who was a government employé. It seems incredible that before his reiteration of this assertion Mr. Conway should not have compared Paine's belated pamphlet with Mr. Pitt's scheme. But it is equally incredible that after such a comparison any one should have, as it were, backed the bill. These will serve as instances of the accusation levelled against Pitt, and, we must add, of the peculiar nature of the evidence which Mr. Conway deems justification for advancing them.

Equal illustrations of looseness, inaccuracy, and credulity are afforded by the references to Burke, but there is one which for collective abuse stands alone. Mr. Conway informs us that, 'near the end of Lord North's administration, Burke brought in a bill which provided that a pension or annuity might be given without name, if under oath that it was not for the benefit of a member of the house of commons. Burke's pension had been taken out under the name of another man; but, being under the necessity of mortgaging it, the real pensioner had to be disclosed to the mortgagee.' This does not refer to the pension taken on retirement, but to one which Paine chose to allege that Burke took in this tortuous manner. Of the truth of his admittedly hearsay tale even Paine does not attempt to offer any evidence. Few statesmen can have passed through public life without encountering charges as scurrilous and as discredited as this. Curious as are Paine's public ethics, Mr. Conway improves on his master. He adds: 'This disclosure, though not disproved, is passed over silently by

most historians. Nevertheless, it was probably that which ended Burke's parliamentary career. Two years later, at the age of sixty-two, he retired with an accumulation of pensions, given at the king's request, amounting to 3,700*l.* per annum. His reputation had been built up on his supposed energy in favour of economy. The secret and illegal pension (1,500*l.*) cast light on his sudden coalition with Lord North, whom he once proposed to impeach as a traitor.' Of the five statements contained in this remarkable paragraph one alone is true, and that might be amended. It might read, for instance, as follows: 'This accusation, made without either proof or show of probability, is passed over by most historians.' With regard to the rest, the causes of Burke's retirement are too well known to require restatement; his age in 1794 was not sixty-two; his reputation had a somewhat wider basis than his critic thinks; lastly, neither the calumny nor the insinuation based on it is supported by any evidence. Surely Mr. Conway knows that a charge such as this must be proved to the very hilt and substantiated in every detail. Into the further charges against these and other public men we cannot enter. The examples given of the method chosen and approved by the author will satisfy most readers, save the few who are anxious to gauge the extent to which his prejudices carry him. These few must be referred to the book, which for reckless mud-slinging is probably unexcelled.

Mr. Conway has not given us a piece of genuine critical study on Paine's philosophy and position; nor has he supplied his readers with the means of estimating his character and his relations with his contemporaries, for the simple reason that everything that Paine says is assumed to be true, and every one who opposed him is assumed to be wicked. What he has done is to print a good many of Paine's letters, some of which are of considerable importance, and to supplement them with several new facts about Paine's life. It is a misfortune that, for reasons indicated above, his readers cannot place the invariable reliance on these which they might wish. This is the more to be regretted because Mr. Conway's own aim is the reinstatement of Paine in his position of historical importance. It is, however, impossible to avoid the conclusion that he would have been more successful had he been more moderate in his claims and less of a partisan in the method in which he tries to enforce them. That Paine had a great influence none can doubt, that he was honest in intention ought not to be called in question; but a perusal of the letters and sayings recorded in these volumes only serves to endorse the opinion which the study of his works raises, that he would have been greater and of more importance but for two defects—conceit and the lack of that historical sense of fitness which distinguishes the statesman from the politician. E. C. K. Gonner.

Le Culte de la Raison et de l'Être Suprême. Par F. A. Aulard. (Paris: Alcan. 1892.)

Études et Leçons sur la Révolution Française. Par F. A. Aulard. (Paris: Alcan. 1893.)

What account is the historian to give of two strange attempts to found a new religion in France in 1793 and 1794? Are they to be referred to the wild aberrations of revolutionary enthusiasm, which took no account of past or future, of expediency or inexpediency? Were they the result of

certain well-defined tendencies of thought, flowing in one case from Diderot and the encyclopedists, in the other from Rousseau and the sentimental deists? Or was the chief factor in these two movements political antagonism against the clergy, which was in turn the consequence of the great war? Or are none of these hypotheses exclusively true? Was the gospel according to Chaumette partly referable to the encyclopedia, partly to the lust after church plate, partly to a light-headed wish to be piquant, partly to the political desire to play an ultra-revolutionary card, partly to the patriotic feeling that the clergy were traitors, agents of Pitt and of Coburg, whether they lived in the Ardèche or the Section Filles St. Thomas, the Quartier St. Geneviève or the Bocage?

M. Aulard is a revolutionary politician and a skilled and learned searcher of archives. While his facts are always interesting and generally new, his theories should always be received with caution. The two volumes before us are no exceptions to this rule. In the first he has explored a number of departmental and municipal archives, especially those of the south-west, where the religion of reason was enforced with the greatest violence, and it is hardly necessary to say that the work is scholarly and constitutes a material addition to our knowledge of the period. M. Aulard, however, does not content himself with stating facts. An admirer of the French revolution and all its works, he has a theory which is highly favourable to all parties concerned. 'I hope,' he writes, 'that this historical essay will show in the worship of reason and of the Supreme Being, not only a philosophical and religious attempt, without root in the past of France, and without connexion with events, but a necessary, nay a political consequence of the state of war, into which the revolution had been thrown by the resistance of the *ancien régime* against the new Spirit.' Do M. Aulard's own facts establish this thesis? In the first place he admits that the 'dechristianisation' in Paris had been for the populace only *un acte de gaminerie*, which soon palled when it was found to involve heavy atheistic lectures at the sections. Then he admits that the Convention disliked it, that not more than half the conventionals could be induced to attend the feast of reason, that the two committees deplored it, and that the committee of general security actually arrested the deputies of Mennecy, who came, armed with church plate, to abjure their superstitions in the capital; in other words that the cult of reason was discountenanced by all the men who were guiding the course of affairs and organising resistance to the foreigner. M. Aulard indeed points out —and the observation is valuable—that the movement against Christianity was more serious in the provinces, especially in the south-west where catholicism was strong. We think, however, that he oversteps the limits of his own evidence in holding that the movement arose from a sense that the priest was politically dangerous. No doubt political motives were operative, but the decree of Fouché at Nevers and that of Dartigoeyte and Cavaignac in the department of Gers lay no particular stress on the political misdoings of the priest, the 'Journal of Chanteau' is philosophical rather than opportunist, and Monestier, ex-priest and commissary of the convention at Pau, enlarges rather on the follies than on the dangers of catholicism. We are inclined then to think from a study of M. Aulard's own facts that the movement was not all so simple as he thinks. That

the priest was under suspicion as a reactionary was no doubt true, but a certain weight must be allowed to the speculative atheism and deism of the times, to the caprice of melancholic or boisterous people, whose heads were turned by the possession of power, and something too to the vulgar lust after church plate, and the delights of mere iconoclasm.

M. Aulard's 'Études et Leçons' are lectures which he delivered as Professor of the History of the French Revolution at the Faculté des Lettres of Paris. The lectures (with the exception of the inaugural lecture on the bibliography of the subject) deal with a number of special points, and are based upon original research at the archives. In all of them M. Aulard displays his thorough familiarity with the literature of the period, in three of them he makes important contributions to general history. In Lecture IV (Le Club des Jacobins sous la Monarchie) M. Aulard demonstrates that the society was monarchical though liberal right up to September 1792. In Lecture VII (Les Comptes de Danton) he attempts, and the attempt is successful, to vindicate Danton from Madame Roland's accusation that he never sent in his accounts to the convention. The facts of the matter seem to be as follows. On 28 Aug. 1792 the assembly decreed (1) that one million for extraordinary expenses, (2) that one million for secret expenses should be put at the disposition of the council. On 3 Sept. the executive council decrees that as the minister of foreign affairs has a sufficient sum at his disposal already, the two million should be paid in equal shares of 400,000 to the five other ministers. Danton resigned on 6 Oct., and on that day Cambon stated that 408,882 livres had been already spent, and that of these Danton had spent 300,000, and Danton admits that he has spent this sum, 200,000 in secret, and near 100,000 in extraordinary expenses. Did Danton ever account for this three hundred thousand? Did he really spend all of it? M. Aulard's answer is quite satisfactory. In the first place he has discovered Danton's account submitted to the convention 6 Oct. of the amount spent by him under the heading of extraordinary expenses, from which it appears that out of the 100,000 livres he has spent 68,684, leaving a balance of 31,316. In the second place he has discovered a letter written on 7 Nov. 1792 by four members of the executive council to the president of the convention, from which it appears (1) that Danton submitted a detailed account not only of his extraordinary but of his secret expenses to the provisional executive committee on 6 Oct.; (2) that after a report of each of the ministers it was determined not to enter the accounts of the secret expenses on the register of the council. This last fact completely explains the Girondin legend. Roland had not attended the council when the accounts were submitted to it, but he had searched the registers of the council and found nothing. He concluded that no accounts had been submitted at all, and that Danton's story was a political figment. M. Aulard goes on to show that Danton probably did not spend more than 233,374 livres, 68,684 under the head of extraordinary and 164,690 livres under the head of secret expenditure, most of which went to pay the fifty-four commissioners who were sent into the provinces. Only one doubt occurs to us concerning these calculations. Cambon, speaking on 10 Oct., says that Roland had spent 23,000 livres in 'extraordinary expenses.' Roland, sending in his accounts on 19 Oct. 1792, declares that he has spent

48,425 in extraordinary and 51,200 in secret expenses. M. Aulard, adding the last-named sums to the sums spent by Servan and Clavière before 10 Oct., is able to diminish Danton's share of the 408,882 livres considerably. But does not this assume that Roland spent nothing between the 10th and the 19th? However, this is an unimportant point, and does not substantially affect the conclusion.

In Lecture IX (Les Responsabilités de Carnot) M. Aulard holds that Carnot must be held fully responsible with Robespierre for the measures of the Terror. He not only signs but writes the decree of 9 Sept. 1793, condemning Generals Leigonyer and Quétineau; he signs the decree for the arrest of Danton, though two members of the committee refused to do so; he with seven others signs the decree for the arrest of Lucile Desmoulins; his name appears in the decree for the arrest of Chaumette, and he contributes to send Victor de Broglie to the scaffold. Of the other lectures, Lecture X (Une Gazette Militaire de l'an II), describing *La Soirée du Camp*, an official journal started by Carnot for the use of the army, and Lecture XI (La Presse officieuse sous la Terreur) strike us as the most novel and interesting. It is a curious indication of the timidity of the great committee that it was not only afraid openly to encourage its own official paper, but actually ordered it to change its name from the *Feuille de Salut Public* to something less compromising. In conclusion we venture very humbly to offer two criticisms. They concern M. Aulard's particular star Danton and Lecture VIII (La Statue de Danton). M. Aulard says: *Il avait fait tout le possible pour prévenir les massacres*. Ought not so startling a statement to have been supported by some evidence? Again he disposes indignantly of the charge that Danton was ever in the pay of the court. These accusations are the *cancans posthumes de Mirabeau, de Mme. Roland, de Brissot, de la Fayette*. We submit that the evidence on this point is too weighty to be dismissed with a gesture. Putting aside Moleville, who was, however, in an excellent position for knowing the destination of the sums expended by the court, we have Mirabeau's allusion on 10 March 1791 ('Correspondance de Mirabeau et la Marck,' iii. 82) to the *trente mille livres de Danton*, which requires no little refutation. Further, Dr. Robinet's evidence that Danton's private fortune did not vary much during the revolution is quite consistent with the hypothesis that he took the money of the court and spent it in furthering his own projects. This we suspect to have been the case.

H. A. L. Fisher.

Documents relating to Ireland, 1795–1804. Edited by J. T. Gilbert. (Dublin: Joseph Dollard. 1893.)

Mr. Gilbert has done so much in the past for Irish history that it is difficult to express oneself freely in regard to the present volume. Setting aside two documents of no value whatever, and only published apparently because they are in Mr. Gilbert's possession, the volume consists of, (1) an official account of the money expended by the treasury in detecting treasonable conspiracies from 21 Aug. 1797 to 28 March 1804; (2) some extracts from the Pelham correspondence preserved in the British Museum; and (3) extracts from what Mr. Gilbert strangely describes as 'Papers by W. J. Mac Neven, New York, 1807,' but which is nothing more or

less than a reprint with omissions of Mac Neven's well-known 'Piec of Irish History.' Of the account of secret service money, the intere of which has already been exhausted by Madden, Mr. Lecky, and Mr. Fit patrick, it is sufficient to say that if it was worth printing, it was certain worth editing. Properly edited, it might have formed a useful cor mentary on a curious episode in the history of Ireland; but as it stand it has neither interest nor value. The extracts from the Pelham paper on the other hand, are such as to make us wish that the volume had be devoted entirely to a large selection from them. Pelham was secreta to the lord-lieutenant from 1795 to 1798, and his correspondence duri that period and subsequently is both unusually copious and importa If variety was wanted, we should have been grateful for some of Bish Percy's letters to his wife during the rebellion, which possess a distin literary as well as an historical value. It is useless, perhaps, to prote against Mr. Gilbert's fancy for limited editions on superfine paper, but is to be hoped that in subsequent volumes of his 'Historic Literature Ireland' he will show as much regard for what he prints as for how l prints it.

R. Dunlop.

History of the United States, 1801–1817. By Henry Adams. (London G. P. Putnam's Sons. New York: Charles Scribner's Sons. 1891.)

The sixteen years with which Mr. Adams deals are those of Jefferson's an Madison's administrations. There is much of his work which is polemica and polemical in matters where an ordinary critic follows the auth with some difficulty. Most of it deals with that duel of commerci interests fought between Napoleon and successive English cabinets, duel in which each combatant strove alternately to make the Unite States an ally and a victim. At every point one is met by gener questions of principle which lie rather in the province of the internation lawyer than of the historian, and by questions of detail where the writer accuracy could only be tested by a minute study of original document Mr. Adams is too earnest and convinced a patriot to maintain a attitude of severe impartiality in dealing with such questions. There a slight tendency throughout to assume that there is a certain *prim facie* case in favour of his own country. He is somewhat apt to tre arrogance and injustice on the part of English public men as normal an typical, while the like failings when shown by Americans are instances individual depravity. He quotes the reckless and shallow sayings irresponsible English newspapers, as though they were a fair expressio of English public opinion. How would it be with the United States like measure were meted out to them? Indeed Mr. Adams is somewha perilously fond of that method of treatment which personifies communi ties and criticizes them accordingly. America and England are spoken as if they had the fixed attributes and the moral responsibilities individuals. Yet if Mr. Adams's prepossessions are sometimes a little to manifest, they are hardly in excess of what was needful to insure a vigorou and sympathetic treatment of his subject. They may colour his con clusions, they never lead to any suppression or distortion of his premises Moreover if there is something of a tendency to deify 'America,' there is very little of undue leniency to individual Americans. There is

throughout Mr. Adams's work a refreshing freedom from vague panegyric. Indeed his whole tone is singularly restrained and critical. There are indeed times when it is evident that Mr. Adams's subject fails to rouse much interest, and when that, coupled with his obvious anxiety to present the whole question completely and exhaustively with all its limitations, leads to something very close akin to dulness.

On the other hand when a character or episode happens to interest Mr. Adams, few writers can deal with it more graphically and effectively. Sometimes indeed the episode lies a little off the main track of the narrative, and one has to forgive the discursiveness of the narrative for its intrinsic merit. Such is the story of the revolt and overthrow of Toussaint L'Ouverture, with its admirable parallel between the revolutionary despot of Hayti and the revolutionary despot of France. Nothing again could be better told than the dispute in the Bonaparte family over the sale of Louisiana, Napoleon raging and floundering in his bath, Joseph with saturated dress clothes, and Lucien (in delightful parody of eighteenth-century pedantry) declaiming *quos ego, sed motos*, while the terrified valet cowered on the floor, believing that he was looking on at a fratricidal tragedy which would end the Napoleonic dynasty. Mr. Adams again is fully as effective in his description of Burr's conspiracy and of his accomplice and dupe, that delightful Irishman Blennerhassett, who explained to his gardener that Burr was to be king of Mexico, and was to be succeeded by his daughter, 'the divine Theodosia,' while her husband Allston was not to be content with the crown of a prince consort, but in his own words 'to wear one by a better title, by his deeds in council and in field.'

These are episodes. The main burden really of Mr. Adams's book is the developement and triumph of democracy, the transition from the United States of Washington and Adams to the United States of Andrew Jackson. Mr. Adams makes no attempt to conceal the fact that his sympathies are with the democrats. At the same time no previous writer has brought out so fully the causes of that which is on the surface almost inexplicable, the total collapse of federalism. The federal party was strong, far stronger than its opponent, in the political ability of its individual members. It shone with the reflected glory of Washington's name and of Hamilton's great financial success. The sympathy of Jefferson with revolutionary France had discredited him with that very party whose sobriety and innate conservatism had made independence possible, the yeomen and traders of New England. Yet almost as soon as Washington had left the scene the edifice of federalism showed symptoms of decay, and within four years it was in ruins. Personal causes no doubt counted for much. Adams and Pickering were men fitted to mould the political creed of a community; they were neither of them men fitted to give effect to that creed through the ordinary machinery of party politics. If the uncompromising man is to be a power in political life, it must be clear to all that he is sacrificing party to principle and not to egotism, and that was never quite clear in the case of Adams or Pickering. The same was true, though in a less degree, of Hamilton. He, indeed, would have saved his party from their most fatal error, their support of Burr against Jefferson for the presidency. The men who tried that manœuvre could never again with any effect stand before the world as champions of

political morality. The attempt was a clumsy imitation of what the most censured in their enemies.

Mr. Adams, however, brings out other features of the conflict, apa from the personal character and tactics of individual politicians. H shows how the federalist party was wholly incapable of reading the sig of the times. The Jeffersonians' dreams of the future may have bee vague and in many ways unreal, the language in which they found expre sion may have been bombastic. Yet underlying them were truths whol ignored in the pessimistic jeremiads of otherwise intelligent federalist Of these Mr. Adams quotes (p. 225) a good specimen from a speech ma by Theodore Dwight at Newhaven. 'We have now reached the co summation of democratic blessedness. We have a country governed b blockheads and knaves; the ties of marriage with its felicities are severe and destroyed; our wives and daughters are thrown into the stews; o children are cast into the world from the breast and forgotten; filial pie is extinguished, and our surnames, the only mark of distinction amo families, are abolished. Can the imagination paint anything more dreadf on this side hell?' Such were the imaginings of federalism; what me actually saw was a well-ordered peaceful community where life a property were safe, and where material prosperity was advancing leaps and bounds. Can we wonder if a party which thus shut its eye and forced itself into a fool's *inferno*, lost all hold of popular sympathy Not that there was not an element of truth, strangely distorted form, underlying these prophecies. The disease was suppressed, not the federalists imagined acute, but it was there. Jefferson was n undermining the foundations of domestic life and social morality; he w giving the nation its first impulse on a downward course of politic corruption. Moreover, if the federal party passed away, federal princip largely lived on, embodied in the policy of the democrats. Mr. Adams h pointed out very clearly and fairly how great a change came over t views of Jefferson as to the powers of the central government. T transformation of Madison from the moderate and cautious ally Hamilton to the moderate and cautious supporter of Jefferson is inde the outward symbol of a process which was largely at work. Much of t constructive federalist creed was absorbed into the common political fai of the nation. Mr. Adams, too, brings out fully the inestimable and i requited services of Albert Gallatin to the democratic party. He belong to that class of politicians who can make full use of party organisati without subscribing to the extravagances of a party creed or entangli themselves in the discreditable incidents of party warfare. His master finance was a needful condition of all that was best and all that was mo popular in Jefferson's administration.

Mr. Adams also shows how a counter-process was going on; how i the days of the Hartford convention New England, the home and shrine federalism, trembled on the verge of secession; how federalist leade cast aside all those general principles whereon their creed was based, a became by a strange inversion of parts the champions of state rights again a strong central government wielded by Jefferson's successors. The incon sistency of their attitude contributed even less to their downfall than i lack of patriotism. To embarrass a government that finds itself face t

face with an external foe is the one crime which in the long run brings its own inevitable punishment, and for which public opinion gives no absolution. The federalists were even more guilty of it in 1814 than Jefferson and the democratic sympathisers with France had been sixteen years earlier.

On one point most impartial critics will probably think that Mr. Adams has been somewhat biassed by party loyalty. The Jeffersonian tradition has affected him, as the attractive personality of Jefferson affected contemporaries, and has strangely clouded his judgment on a most noteworthy and typical incident in Jefferson's career. In 1798 a disreputable hack writer, one James Thompson Callender, of Scotch extraction, published a pamphlet attacking the federalists. He was fined and imprisoned for libel. When the democrats came in he asked for his reward, a government office, and was refused. Thereupon he published a string of charges against Jefferson's private life and moral character, some false, nearly all exaggerated. One statement, however, was neither; Callender announced that Jefferson had paid him for writing the libellous pamphlet and had supplied him with material for it. Jefferson at once put forth a disclaimer. 'No man,' he wrote, 'wished more to see his (Callender's) pen stopped.' Thereupon Callender produced a letter from Jefferson in which he had said, 'I thank you for the proof sheets you enclose me; such papers cannot fail to produce the best effects.' This, according to Mr. Adams, was merely an instance of Jefferson's 'kindly prevarication.' 'To tell Callender that his book could not fail to produce the best effect was a way of hinting that it might do harm.' In other words Jefferson wrote and spoke not English but Jeffersonese, a topsy-turvy language such as Alice may have heard behind the looking-glass. Surely Mr. Adams must see that to take this line of defence is admitting that his hero is no longer to be judged as a responsible being, amenable to the ordinary laws of human conduct. Mr. Adams seems to think it hard that Jefferson's error brought in a very modified form its appointed penalty. 'It annoyed and mortified him more than coarser men could understand to feel in the midst of his utmost popularity that large numbers of his worthiest fellow citizens, whose respect he knew himself to deserve, despised him as they did the vermin they trod upon.' Most persons will think that 'kindly prevarication' only met with a small share of its appointed penalty, and that a state of things where a leading politician could hire a bravo of the pen such as Callender and then disclaim him, without any loss of public confidence or esteem, would be neither a wholesome nor well-ordered one.

Mr. Adams is not betrayed into any similar leniency in dealing with a later hero of democracy, Andrew Jackson. In his view the victor of New Orleans was a dashing backwoods fighter, ignorant and careless in matter of strategy, who owed his success to the incompetence of his English opponents, and his fame in some measure to the low standard of generalship which obtained among his countrymen. It cannot be said that Mr. Adams in this part of his book shows any special gifts as a military historian. His work is sober, careful, and intelligent. But there is little spirit or dramatic vigour in his description of details, nor any very comprehensive insight in his description of the campaign as a whole. It is

not an inspiring task to dwell on the blunders of his countrymen, blunders only neutralised by the equal incapacity of their opponents. Mr. Adams has a more congenial task in telling of the naval successes of the United States, successes all the more honourable inasmuch as they were due not to superior organisation or efficient control, but to a uniformly high standard of individual courage and seamanship. J. A. Doyle.

Repertorium über die in Zeit- und Sammelschriften der Jahre 1812-1890 *enthaltenen Aufsätze und Mitteilungen schweizergeschichtlichen Inhaltes.* Von J. L. Brandstetter. (Basel: Geering. 1892.)

Switzerland possesses many historical societies, each with its organ, while other papers and periodicals frequently publish articles on matters relating to Swiss history. Some have also appeared in periodicals issued in the countries which border on Switzerland. The chief Swiss historical society, the Allgemeine Geschichtforschende Gesellschaft, having doubtless in view the immense accumulation of articles on Swiss history scattered far and wide, resolved to compile a catalogue of such papers. Herr Brandstetter, one of the leading historians of the Forest Cantons, undertook this very heavy task, and has carried it through in the short period of two and a half years. No fewer than 336 periodicals, mainly Swiss, have been ransacked for information, the list of titles alone covering thirteen pages. All articles, as far as possible, published between 1812 (the year in which the society was founded) and 1890 have been calendared in a most minute fashion. A list of authors is added, and usefully supplements the main section of the work. This fills over 400 pages, and is subdivided into three parts, dealing respectively with the pre-Roman, the Roman, and the medieval periods. The last-named is minutely subdivided under local, dynastic, ecclesiastical history, &c. This method is at first rather confusing, as it is not always easy to say at once under which head any special bit of information is to be sought, but doubtless this feeling will wear off when once one is used to the arrangement of the book. All entries are in chronological order under each head, though it seems as if a strict alphabetical scheme would have been more convenient. But one ought not to look a gift horse in the mouth, especially when, as in the present case, future writers will be spared infinite trouble in searching through countless periodicals. One particularly useful section is that in which all the isolated documents which have been printed here and there are calendared in chronological order. Constant use only can prove the accuracy of the entries, and my experience hitherto has been most favourable. Would that some English writer would do the same for English history! The labour could not be greater than that of Herr Brandstetter, while the result would be useful to a far wider circle of students. Save by means of such catalogues, many excellent articles may be easily overlooked when working up some special point. W. A. B. Coolidge.

The History of Early English Literature, being the history of English poetry from its beginnings to the accession of King Ælfred. By Stopford A. Brooke. 2 vols. (London: Macmillan & Co. 1892.)

Mr. Brooke has been able to localise a large and important section of our literature with high probability, and he has brought out clearly and well

the personality of Cynewulf. He has seen the weight and significance of the Celtic influences upon our older poetry, and throughout he has tried to realise the thought and feelings of its composers, and kept in mind the humanity and historical surroundings of workman and work. His translations are unusually poetical, and aim at making the reader understand the peculiar tone and sentiment of the originals. Mr. Brooke, though he has read widely and wisely, does not pretend to the minute and special scholarship of an editor of texts; hence textual cruces may have sometimes led him wrong in a minor point, or prevented him from taking full advantage of his own sympathetic and critical faculties. But there is something to be learnt from his book even by a trained specialist, and it should surely help to convince those untamed Trojans who despise the researches upon which it is founded, and the texts upon which it is based, that there is material for thorough and invigorating study in early Teutonic poetry. Delicate judgment and keen appreciation are shown in the criticism of the Old English paraphrases of Latin originals; and the spirit in which these paraphrases were produced has never been better expressed and illustrated. An excellent example from the hymn, 'De Die Iudicii,'

> Erubescet orbis lunae, sol et obscurabitur,
> Stellae cadent pallescentes.

is worth citing:

> þonne weorþeð sunne sweart gewended
> On blódes hiw, séo ðe beorhte scán
> Ofer ær-woruld ælda bearnum;
> Móna þæt sylfe, þe ær mon-cynne
> Nihtes lyhte, niþer gehréoseð;
> And steorran swá some stredað of heofone
> þurh ðá strongan lyft stormum ábeátne.

The Celtic parallels to the Grendel story discovered and noted here (i. 121) are interesting, but do not prove, nor does Mr. Brooke suppose them to prove, that Beowulf's great adventure is copied from a Celtic source. The remarks on the spirit of personification, so strong in Shelley (and noticed by such various critics as Mr. Tylor, Mr. Sweet, and Mr. Symonds) and so powerful in the Riddle-Maker, are good and suggestive. The chapters on war and the sea in Old English poetry deserve study. Here is a striking passage and its comment. 'It is just the sight a sailor coming toward land in the morning near Bamborough, for instance, would have seen from the sea—the plain, the city gates, the steep rock, the glittering tiles, the windswept walls.'

> óð þæt Dryhten forlét dæg-candelle
> scíre scínan; sceadu sweðerodon
> wonn under wolcnum; þá com wederes blæst,
> hádor heofon leóma ofer hofu blícan.
> Onwóc þá wíges heard, wang sceáwode;
> fore burg-geatum beorgas steápe
> hleoðum hlifodon; ymbe hárne stán
> tigel-fágan trafu torras stódon,
> windige weallas.

The eleventh Riddle is rightly solved as the Barnacle, in spite of Prehn. Attractive is the hint of the Huns' defeat in the lay of Elene being

composed with full memory of Penda's overthrow, when the flooded river swept away the flying heathen in hapless rout—

> Wurdon heardingas
> wíde tó-wrecene; sume Wig fornam
> sume unsófte aldor generedon
> on þam heresíðe: sume healf-cwice
> flugon on fæsten and feore burgon
> æfter stán-clifum stede weardedon
> ymb Danúbie; sume Drenc fornam
> on lago-stréame lífes æt ende—

what time, as the old fragment tells, like the song of Deborah, exultingly:

> The death of five kings was avenged beside the Winwede then.

There are some notes on the lay of Beowulf, touching the question of its Northumbrian origin, and the view as to the demons' haunt under the mere being a sea cavern, such as Mariner's Cave in the Tonga Isles. Good is the remark that 'two great sea-ruling peoples arose from the fierce driving of the Huns—the Venetians and the English'— though it is coupled with a theory on the age of the Lay of Widsith, which one cannot possibly accept. Mr. Brooke does not notice the interesting parallel between Cynewulf in 'Elene' and Egil at the end of 'Sonatorrec,' where it is told how the god has sent woe but has 'onlocked song-craft' for the stricken poets; Egil is, of course, the finer here. Professor Napier's account of Walo's library would interest Mr. Brooke, as it explains the presence of the Old English poetry book at Vercelli. He will also welcome the excellent monograph of Dr. M. D. Learned on Walther of Aquitaine, which supersedes a great deal of earlier work.

There are many points one would like to discuss with its author, but it is enough here to recommend this study of part of our oldest literature as a suggestive and graceful book which the historian may well profit by, though it was not written for him. The importance as evidence of every scrap of Old English verse, and the difficulty of interpreting the remains of this early literature, make one glad to find the attention of other than professed scholars directed towards them. Mr. Brooke has at least felt the meaning and beauty of the poems he studies, and striven to make others share his pleasure. F. York Powell.

Germanic Origins; a Study in primitive Culture. By Professor F. B. Gummere, of Haverford College. (London: Nutt. 1892.)

Since the German invader effected a settlement in Britain, the language and culture of the English-speaking race have remained essentially Germanic. But there is in detail much matter for controversy; our race has absorbed alien elements, our language has borrowed and developed, and our literature has been subject to many accretions. Professor Gummere's problem is to separate the Germanic in our literature from other contributions by an investigation into what we ought to mean by the word Germanic; and his book is full of interest to all who care for a commentary on the 'Germania,' or would know more of 'Beowulf,' or who have a feeling for the old German life. Thoroughly well equipped on the

philological side of his work, and industriously sifting the material offered by such writers as Waitz and Grimm, and above all by Müllenhoff, to whom he pays a well-deserved tribute; versed, too, in the monographs connected with his subject, such as those of Wright and Victor Hehn, the author of 'Germanic Origins' has presented his results in an attractive manner, and if he exhausts his subject, does not exhaust his reader. And he tells by the way many an excellent tale; of Ruedeger's terrible choice between honour and affection; of Signy assisting her brother to take vengeance on her husband, and yet going at the last to die with him in the burning hall; of Sigrun's love, over which death has no power. As regards his main endeavour to present the Germanic type, by which to measure the Germanic element in literature, Professor Gummere has perhaps not succeeded. But who could succeed? Tacitus with a commentary, or 'Beowulf' with notes, would render the German of one age, but the German of every period and of many climes is not to be portrayed. Apart from a lack of historical perspective, of which the author is apparently conscious without being able to correct it, and a slight tendency to follow too unhesitatingly the approved authority on certain subjects, *e.g.* Wimmer on runes, 'Germanic Origins,' in virtue of its sobriety of judgment, its originality in the treatment of the subject, and its charm of style, may claim to be a considerable book. HERBERT W. BLUNT.

Beiträge zur Geschichte der politischen Ideen und der Regierungspraxis. Von GOTTFRIED KOCH. I: *Absolutismus und Parlamentarismus.* (Berlin: R. Gaertner. 1892.)

THE purpose of the work, of which this is the first part, is a treatment of political theories in the light of the actual political conditions of the time that produced them, and of the reaction of these theories on facts. The pages now before us are practically limited to an account of the political conditions and political theories of France and England from the time of Bossuet to that of Montesquieu, from the time of Filmer to that of Bolingbroke. The author's idea is a good one: less than any department of thought can political thinking be understood apart from the history of the age. The carrying out of the idea, however, is not quite satisfactory. The author is generally contented to place a sketch of political conditions in simple juxtaposition with an analysis of the works he has studied. This analysis seems to be made with great care, accuracy, and sound judgment. But the history is confessedly—and perhaps inevitably—not studied at first hand. In discussing English political ideas, the author certainly makes a mistake in not going further back than the Restoration. The following passage, for instance, shows a somewhat defective appreciation of the historical bases of the English parliamentarian theory:—'Lord Russell says that the opposition under Charles II only wished to attain the orderly working of the old constitution; in this the true relation of affairs is inverted' (p. 76). The Whig theory was certainly not an accurate version of the medieval constitution; but it is an exaggeration to say that even the account of the rise of the monarchy given by Algernon Sidney is 'quite theoretical.' On p. 75 the author makes the absurd suggestion that Sidney had picked up his republican ideas in France at the time of the Fronde. On p. 80 he speaks as if Locke's

'Treatises of Civil Government' had been *written* at the time of the Revolution, although in a footnote he refers to Mr. Fox Bourne's Life, where it is shown that the greater part of them was probably written before William's accession. On p. 151 Bolingbroke's 'Patriot King' is called his 'last work;' 'last *political* work' would be more accurate. The account of Montesquieu's theories, in the last chapter, is admirable; the common error which supposes Montesquieu to have originated the theory of the division of powers is clearly exposed. D. G. RITCHIE.

Staatenbund und Bundesstaat. Von J. B. WESTERKAMP. (Leipzig: F. A. Brockhaus. 1892.)

IN 1890 Professor Westerkamp, of Marburg, published an excellent monograph on the constitutional history of the republic of the United Netherlands. He now presents us with the first part of a very thorough and careful work on federalism in general. Putting on one side Greek and Italian attempts at federation as having no relation to any existing federation, he gives us an extremely elaborate account of all other federations the world has yet seen—German, Swiss, Dutch, American, Canadian, African, Australian, Mexican, Central American, and South American. A short history of the events which led up to the existing constitutions is given in the first part. The second section treats of the division of powers between the states forming the federation and the federation itself, and the third describes the functions of the federal governments. Later volumes are to deal with more minute questions, including the theory of federalism. The present volume is mainly intended to set forth the leading facts of the case, discussing and comparing them on the way. The object is to ascertain the true distinction between a *Staatenbund* and a *Bundesstaat*. This, according to Dr. Westerkamp, is one of degree, not of kind, depending on whether or not there is a federal government, distinct and apart from that of the states included in the federation; in short, the distinction laid down long ago in the 'Federalist.' This work is thus a handbook to federalism as it actually exists in different countries, and is a very valuable addition to the scanty array of really good books on political science. High praise is given to the British North America Act of 1867, which set up the Canadian federation, while the wording and provisions of the constitution of the German empire are unsparingly criticised. The value of the work, however, lies, perhaps, not so much in its criticisms as in the vast collection of facts brought together and compared. The best authorities have been consulted in each case, while the author has spent some time in America, Switzerland, and Holland, in order to study the working of each system on the spot, and to get information from the chief statesmen of each of the great federations. Naturally the American constitution occupies a prominent place in this interesting book, the continuation of which will be looked forward to by students of federalism. W. A. B. COOLIDGE.

London Signs and Inscriptions. By PHILIP NORMAN, F.S.A., with an Introduction by HENRY B. WHEATLEY, F.S.A. (London: Elliot Stock. 1893.)

MR. H. B. WHEATLEY, in the introduction to this book, hopes 'that the attention drawn to some of the signs which have disappeared of late years

may result in the discovery of their present hiding-places.' It is only 'some years ago' that 'a curious sculptured sign, representing Charles I.'s gigantic porter and dwarf' (William Evans and Jefferey Hudson), which used to stand over the entrance to Bull Head Court, Newgate Street, disappeared. Mr. Wheatley cherishes a hope that it may yet be recovered to find a home in the Guildhall Museum, among other relics of old London and its neighbourhood, such as the bas-relief of the Three Kings, dated 1667, from Lambeth Hill, or the spirited Boar's Head of 1668, from Eastcheap, both of which are represented by woodcuts in the present volume. The author, Mr. Norman, has made it his plan to describe not only existing carved signs, but all of which he can find any record. For convenience of reference he has classified them according to their subjects, starting with 'human signs,' first among them the much discussed 'Boy and Panyer' in Panyer Alley. Next comes the wooden boy in Giltspur Street, a plump Cupid-like figure, who, it appears, once had painted yellow wings, and bore an inscription stating that 'This boy is in Memory Put up for the late Fire of London, occasioned by the Sin of Gluttony, 1666.' As far as can be discovered, the main reason for pitching upon this particular one of the seven deadly sins was topographical —to wit, that the fire began at Pudding Lane, and ended at Pie Corner, a locality appropriately noted for cooks' shops. Guy, Earl of Warwick, dated 1668, and restored 1817, still keeps his place in Warwick Lane. Of the signs representing animals, one of the best is that of the Dog and Duck, which is to be found imbedded in the garden wall of Bethlehem Hospital. Another good example is that of the famous Cock in Fleet Street, a piece of wood-carving 'quite worthy of Grinling Gibbons, to whom—but without authority—it has often been attributed.' Painted signboards in general do not come within the scheme of the present work; but Mr. Norman draws attention to a few specimens of interest, and among them one which, he thinks, has 'hitherto escaped observation.' This is the sign of the Coach and Horses, No. 49, St. John's Square, Clerkenwell, which represents a real incident, the attack by an escaped lioness upon one of the leaders of the Exeter mail, 20 Oct. 1816. Now that St. John's Gate has been restored, will no amateur of art and natural history come forward to bestow judicious cleaning and varnishing upon this unusual sign, which, as far as one can see it, appears to have some pictorial merit? And cannot the tablet commemorating Lord Byron's birth in Holles Street be replaced or restored? It was modern, no doubt, and of no particular merit; but it is a pity to lose anything that gives interest and individuality to a London street. In his penultimate chapter, Mr Norman strays afield to 'suburban spas'—Sadler's Wells, and the like; and in conclusion he traces the history of 'two old City mansions' —No. 21, Austin Friars, destroyed about 1888, and the house numbered 8 and 9, Great St. Helen's, Bishopsgate, which has been yet more recently demolished. This last was 'memorable as an early specimen of brickwork in London, and as dating from a period before the formal conclusion of the Civil War, when building operations were almost at a standstill.'

EDITH THOMPSON.

Ancient India, 2000 B.C.–800 A.D. By R. Chunder Dutt. (Epochs of Indian History.) (London: Longmans & Co. 1893.)

Mr. Adam, as editor of this new series, has arranged a good plan, and Indian history lends itself to treatment by a series of monographs. But the model that should have been followed in the execution of the volumes themselves is that of Mr. Thwaites and his colleagues in their useful little history of the United States of North America, with its clear method and excellent bibliography. Mr. Dutt is at once too sentimental and too patriotic to give a profitable account of ancient India. He believes in a golden Vedic age, he does not understand that the average Hindoo is practically a black man or a yellow man speaking an Aryan tongue. His views on ancient Hindoo monotheism are by no means the accepted ones. He imagines that the Hindoos invented the syllogism, and cites Schopenhauer's admiration of the Upanishads as if it were not known that the only version the philosopher had access to was neither faithful nor comprehensible, and that what he admired was but his own reflexion in a dark body. The Indian syllogism was borrowed, as Indian astronomy, medicine, architecture, and much Indian philosophy was borrowed, from the Greeks. Mr. Dutt's extraordinary idea of a Buddhist trinity (consisting of the Buddha, his Law, and Church) will not help him to explain the Hindoo trinity he discusses. The 'pious' view on Suttee is upheld, although if any one custom can be proved to be primitive Aryan it is this; and its survival in India is not at all astonishing. To suppose that Edenic Hindoo purity has been corrupted by foreign ideas and has produced base customs is by no means a satisfactory way of accounting for the curious persistence in Hindostan of many revolting practices. Surely no one but a Hindoo apologist could gravely maintain in the face of fact that India had gone back since the eleventh century because of foreign domination. There is a grotesque childishness about all this which with a certain disorderly precision and unreasoning credulity seems (whether coupled or not with other and higher qualities) to be eminently characteristic of the Hindoo mind as revealed in its literature. The fancy picture of ancient India drawn by Mr. Dutt will certainly not do much towards those ends to which Mr. Adam somewhat grandiloquently dedicates his series.

Ecclesiastical Sites in Isauria (Cilicia Trachea). By A. C. Headlam, Fellow of All Souls' College, Oxford. (The Society for the Promotion of Hellenic Studies. Supplementary Papers. No. 1.) (London: Macmillan. 1892.)

The interest of these papers belongs rather to ecclesiastical archæology than to history. The chief points in them are the inscription at the village of Mut, which settles its identity with Claudiopolis, and the careful description with plans of the church at Koja Kalessi, some five hours northward of Mut. The writer is more or less disposed to identify the latter with the monastery of Apadna, restored by Justinian. The church seems of early date, and on a tomb near it is the inscription (*C. I. G.* iv. 9259) quoted by Dr. Hatch in proof of the practice of reordination. But the words Ταρασὶς δὶς γενόμενος πρεσβύτερος καὶ παραμονάριος only tell us that Tarasis, *the son of Tarasis*, was presbyter and residentiary. Being set

up in the consulship of Dagalaiphus, its date must be either 366 or 461—probably the latter.

König Ruprechts Zug nach Italien: Inaugural-Dissertation zur Erlangung der Doktorwürde bei der philosophischen Fakultät der Universität Leipzig eingereicht von HANS F. HELMOLT. (Jena: Frommanische Hof-Buchdruckerei. 1892.)

THIS is an adequate and full discussion of the events in 1401–2 indicated by the title. There is a full and accurate description of the sources, followed by a treatment of the complicated interests brought to a centre in the journey to Italy itself, sometimes the more local interests of Italian states, and at other times the more important, if less effective, interests of the medieval empire. All necessary details are noticed with full reference to authorities; the treatment of the itinerary is unusually painstaking, and Italian politics are carefully handled, even to genealogical tables. Two appendices on minor points, and the text of the treaty of 21 March 1400 between Milan and Venice, close the book.

The Battles of Frederick the Great; abstracted from Thomas Carlyle's Biography of Frederick the Great. Edited by CYRIL RANSOME, M.A., Professor of Modern History in the Yorkshire College of the Victoria University. (London: Edward Arnold. No date.)

IN this handy little volume before us we have Carlyle's picturesque narrative of Frederick's most important battles. The maps and plans, which are numerous, are taken from the original edition, and the illustrations, which have not always been reproduced very successfully, have been selected from Adolf Menzel's drawings. Our only criticism on the volume as it stands is that the editor has not been sufficiently in evidence. His introductions are too brief. Had they indicated a little more fully the position of European politics at the time of each battle, the book would have been made still more useful.

Formation of the Union, 1750–1829 (Epochs of American History). By ALBERT BUSHNELL HART, Ph. D., Assistant Professor of History in Harvard University. (London: Longmans, Green, & Co. 1892.)

THIS is a valuable little volume of a valuable series. The author has written with full knowledge of his subject, and we have little to say except in praise. He brings out with clearness and accuracy the rival claims of the English and French in North America, and explains the full significance of the statement that 'the firing of a gun in the woods of North America brought on a conflict which drenched Europe in blood.' In the chapters on the causes of the revolution, its justification, and its successful conclusion, the position of the loyalist minority, if not entirely ignored, receives but scant attention. And the only criticism that we can find upon the disgraceful—not to use a stronger term—conduct of Congress towards the loyalists after 1683 is: 'This (*i.e.* mobbings, confiscations, &c.) was unfriendly, but not a violation of any promise.' But it is no doubt difficult for an American historian to avoid showing a slight bias when writing of the stormy American revolution. To English readers the most

useful portion of this volume will be that which deals with the years from 1783 to 1829—the history of which is not as well known as it should be. The account given by Dr. Hart of these years is admirable.

Notes on the Churches of Lancashire. By the late Sir STEPHEN R. GLYNNE, Bart. Edited by the Rev. J. A. ATKINSON, M.A., D.C.L. (*Remains Historical and Literary connected with the Palatine Counties of Lancaster and Chester.* New Series. XXVII.) (Manchester: Printed for the Chetham Society. 1893.)

THE present volume 'contains notes of sixty-three churches, all (except Grimsargh) in existence before the Restoration. In most cases, though not in all, Sir Stephen Glynne set down the year of his visit, the earliest date in 1833, the latest 1873. His notes are simply notes, not aiming at the picturesque, but of great value as giving precise and detailed descriptions of the features and condition of the churches at the time he saw them. Most of them have since 'been in the hands of either the restorer or the destroyer.' The editor has been careful to mark what changes have thus been made since Sir Stephen's time, and he has added much supplementary information, which is distinguished by smaller type and the date 1892. Among the churches described are those of Cartmel, 'decidedly the most interesting and beautiful in the county of Lancaster;' Ormskirk, noticeable especially for its two towers, the earlier and smaller one with a spire, the later and larger one battlemented, and with eight pinnacles; Eccles, where 'the curfew bell is still rung every night;' Winwick, with its memories of the sainted King Oswald; Middleton, with its ancient glass commemorating the local bowmen who served at Flodden; Manchester, 'a singularly large and grand specimen of unmixed Perpendicular, rather late in the style.' The prevailing style of Lancashire is Perpendicular, often, as these notes show, of a rude and mean type, especially in the once 'wild and thinly peopled' northern districts. The editor has given additional interest to the book by noting remarkable inscriptions and epitaphs. Loyalty combined with adherence to the ancient faith is manifested by the words, 'Jesus Maria. God save the King' on a brass of 1661 in Ormskirk church. A few years earlier, such an inscription would hardly have been tolerated even in so remote a district as Lancashire. Walton-le-Dale affords a quaint epitaph in verse, dated 1685, on a single lady, Mrs. Cordelia Hoghton, who departed this life 'a maid of honour with the Lamb to stand.' But the most curious and puzzling inscription is a Latin one on the wall of the lady chapel of the church of St. Helen, near Garstang, of which the rector of Stonyhurst College has supplied a conjectural interpretation:

> Holy Mary, pray for us,
> The devil writes down there
> all that is spoken to him
> A.D. 1507 this work [was executed]
> In Church let the people
> beware of gossiping.

Outline of the Principles of History (*Grundriss der Historik*). By JOHANN GUSTAV DROYSEN, late Professor of History in the University of Berlin. With a biographical sketch of the Author. Translated by E. BENJAMIN ANDREWS, President of Brown University. (Boston, U.S.A: Ginn & Co. 1893.)

DROYSEN'S 'Outlines' are not easy reading; it may be doubted whether, as here translated, they will convey much meaning to those who are not pretty well acquainted with German philosophical phraseology. The review of Buckle, which is given along with two other papers in an appendix, conveys many of Droysen's views about the principles of history in a more intelligible manner. The biographical sketch by Dr. Hermann Krüger is interesting and enthusiastic. The mode of 'Englishing' adopted by President Andrews cannot be commended. 'He habilitated as privatdocent;' 'to raise the cry of "scandal"' (*lege* 'Shame'); 'discussive exposition;' 'repetitious trivialities;' 'the at once spiritual and sensuous nature of the race' may serve as specimens.

The Key to the Family Deed Chest. How to decipher and study Old Documents. Being a Guide to the Reading of Ancient Manuscripts. By E. E. THOYTS. (London: Stock. 1893.)

THIS is a slender volume of slenderer value, written by an amateur to encourage other amateurs (whom she calls antiquaries) to work at documents. Miss Thoyts's reason for making the attempt is that antiquarianism is 'the fashion;' but her acquaintance both with history and documents is extremely defective, and she digresses needlessly into miscellaneous subjects. She denies that 'a knowledge of Latin is indispensable to the would-be transcriber of old deeds. Legal Latin consists so entirely of set forms that when once these forms are familiar to the reader, they are without any difficulty recognised, and are so little liable to any variations that they are easily rendered into English. The most important points being a correct and accurate attention to the names of people and places, with the descriptions of the localities referred to' (pp. 8, 9; the syntax is Miss Thoyts's). We commend to the author Professor Maitland's remarks on the way in which deeds should be dealt with (above, p. 555). The book really affords very little help to the beginner. The specimens of contractions are quite insufficient and not free from mistakes, and the facsimiles are mostly too small to be serviceable. Still the description of the different kinds of legal documents may be found useful, though it would have been better if Miss Thoyts had refrained from interlarding it with the naïvest conceivable speculations on history and politics and even on the art of judging character from handwriting.

Mr. WILLIAM METCALFE'S translation of *The Great Palace of Constantinople*, by the late Dr. A. G. PASPATES (Paisley: Alexander Gardner, 1893), is to be recommended to those who do not care to face the modern Greek original, both on account of its excellent literary style, and of the handsome form in which it is printed. The work itself was noticed by us in 1887 (vol. ii. 466–81).

CAPTAIN J. C. JOHANSEN, in *Kong Jørgen Jørgensen*, reprinted from the 'Museum,' has examined at some length the circumstances of 'King George's' short reign. Jørgensen's veracity, he says, leaves much to be

desired; and his autobiography, which forms the basis of 'The Convict King,' by J. C. Hogan (1891), is not to be implicitly trusted. So far as his English or Australian experiences were concerned, Mr. Hogan was able to check his statements from other sources, but in the chapter of the history of Iceland he has fallen into some inaccuracies. The fact, however, remains clear that Jørgensen was not only for a few days king of Iceland, but for all time king of romance; a living reality to whom Gil Blas, Con Cregan, Quentin Durward, or others of the creations of fiction

Are as moonlight unto sunlight, and as water unto wine.

The Cambridge University Press has just issued for the college the second part of the *Admissions to the College of St. John the Evangelist in the University of Cambridge*, edited by Professor J. E. B. Mayor. More than half the volume is devoted to an admirable index to both parts, the work of the Rev. P. J. F. Gantillon, in which references are classified separately, under persons, places, trades, and schools—an arrangement which should be of the greatest possible value to genealogists, biographers, and local historians. But the volume has also a wider interest for students of the social history of England during the seventeenth century, since the index of trades throws additional light on the relation of the universities to the different classes of society. The registers at St. John's record in each case the profession of the parent. As would naturally be expected, the most numerous entries occur under such titles as *clerk*, *esquire*, and *gentleman*; *husbandman* and *yeoman* follow these very closely. A fair number are entered under *baker*, *blacksmith*, *butcher*, *clothier*, *currier*, *draper*, *druggist*, *farmer*, *mercer*, *tailor*, and *weaver*. More appear under *merchant*. Such trades as *barber*, *bricklayer*, *carpenter*, *carrier*, *chandler*, *coachman*, *cook*, *cutler*, *drover*, *dyer*, *grocer*, *hatter*, *hawker*, *hostler*, *ironmonger*, *shepherd*, *stove maker*, *stonemason*, *tallow chandler*, and even *labourer* also occur. Professor Mayor thinks that this connexion between the university and families all over the country in every class of life, may account for the demand of the seventeenth century for works of theology, so greatly in excess of the requirements of the clergy alone. Students of history are greatly indebted to Professor Mayor and to his assistant editor, Mr. R. F. Scott, bursar of the college, for their labours, and also to the master and fellows for setting an example which might well be followed by other colleges. At present Gonville and Caius is the only other Cambridge foundation that has published its admissions.

At a meeting held on June 9 under the presidency of the duke of Norfolk, it was resolved to form a society for the purpose of printing the early charters and cartularies of Norman and English abbeys, to be named 'The Anglo-Norman Record Society.' The proposal should commend itself to historical students, as it is undoubtedly in Norman cartularies, which, at present, are practically inaccessible, that the sure materials for the chronology of the reigns of the Conqueror and his sons, and for the biographies of their leading followers, must be sought. To those interested in genealogical research the scheme needs no commendation. The Honorary Secretary *pro tem.* is Mr. W. A. Lindsay, Carlton Club, S.W., and the annual subscription two guineas.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works of miscellaneous contents)

Boglino (L.) I manoscritti della biblioteca comunale di Palermo indicati secondo le varie materie. III: *M–Q*. Pp. 474. Palermo: Virzì. 8 l.

Burghesiana, Bibliotheca: catalogue de la bibliothèque de Paolo Borghese, prince de Sulmona, et du comte de L'Aubepin. II. Pp. 380. Rome: Menozzi.

Cannan (E.) A history of the theories of production and distribution in English political economy [1776–1848]. Pp. 406. London: Percival. 16/.

Catalogue des manuscrits des bibliothèques publiques de France. Départements. XVIII: Alger. Pp. xxxii, 684. Paris: Plon. 12 f.

Daniel (A.) L'année politique [1892], avec un index, des notes, des documents, &c. Pp. 439. Paris: Charpienter & Fasquelle. 18mo. 3·50 f.

Hildenbrand (F. J.) Matthias Quad und dessen Europae universalis et particularis descriptio: ein Beitrag zur Geschichte der deutschen Kartographie. Pp. 48, 58. Leipzig: Fock. 2 m.

Huber (F. C.) Die geschichtliche Entwickelung des modernen Verkehrs. Pp. 232. Tübingen: Laupp. 4·40 m.

Madan (F.) Books in manuscript. Pp. 188. London: Paul, Trubner, & Co. 6/.

Mazzatinti (G.) Inventari dei manoscritti delle biblioteche d'Italia. I, II. Pp. 287, 251, Forlì: Borlandini. 4to.

Ottino (G.) Il mappamondo di Torino riprodotto e descritto. Pp. 8, 2 plates. Turin: Clausen. Fol.

Pierre (E.) Traité de droit politique. Pp. 1300. Paris.

Posada (A.) Tratado de derecho politico. I. Pp. 426. Madrid.

Quarta (A.) Prolegomeni alla storia dell'economia politica. I. Pp. 457. Rome: tip. Pateras. 10 l.

Register, Annual: a review of public events at home and abroad for the year 1892. Pp. 226. London: Longmans. 18/.

Slane (baron de). Catalogue des manuscrits arabes de la Bibliothèque nationale. Pp. 656. Paris: imp. nationale. 4to.

Stokvis (A. M. H. J.) Manuel d'histoire, de généalogie, et de chronologie de tous les états du globe, depuis les temps les plus reculés jusqu'à nos jours. III: Les états de l'Europe et leurs colonies. Pp. 967. Leyden: Brill. 24 fl.

Wippermann (K.) Politische Geschichte der Gegenwart, begründet von W. Müller und fortgeführt von. XXVI: Das Jahr 1892. Berlin: Springer. 4.40 m.

II. ORIENTAL HISTORY

Aegyptische Urkunden aus den königlichen Museen zu Berlin. Griechische Urkunden. V, VI. Pp. 129–192. Berlin: Weidmann. 4to. 4·80 m.

Babelon (E.) Catalogue des monnaies grecques de la Bibliothèque nationale: Les Perses Achéménides, les satrapes et les dynastes tributaires de leur empire (Chypre et Phénicie). Pp. cxciv, 418, plates. Paris: Rollin & Feuardent. 35 f.

Ibn Batoutah. Voyages. Text arabe, accompagné d'une traduction par C. Defrémery et B. R. Sanguinetti. I. Pp. xlvi, 449. Paris: Leroux. 7·50.

—— Index alphabétique. Pp. 95. Paris: Leroux. 2 f.

Lane-Poole (S.) Aurangzib. Pp. 212, portrait and map. Oxford: Clarendon Press. 2/6.

Ley (J.) Historische Erklärung des zweiten Teils des Jesaia, nach den Ergebnissen aus den babylonischen Keilinschriften. Pp. 160. Marburg: Elwert. 3 m.

Meissner (B.) & Rost (P.) Die Bauin-

schriften Sanheribs, herausgegeben von. Pp. 135. Leipzig: Pfeiffer. 10 m.

Müller (D. H.) Die altsemitischen Inschriften von Sendschirli in den königlichen Hölder.

Rawlinso don: U

III. GREEK AND ROMAN

Africa.—Géographie de l'Afrique chrétienne proconsulaire. Pp. 400, map. Rennes: imp. Oberthür.

Ballif (P.) Römische Strassen in Bosnien und der Hercegovina. I. Nebst einem Anhang über die Inschriften von K. Patsch. Pp. 70, illustr. Vienna: Gerold. 4to. 10 m.

Droysen (J. G.) Kleine Schriften zur alten Geschichte. I. Pp. 387, portr. Leipzig: Veit. 10 m.

Fabia (P.) Les sources de Tacite dans les Histoires et les Annales. Pp. 462. Paris: Colin. 12 f.

Fischer (F. W.) Armin und die Römer. Halle: Buchhandlung des Waisenhauses. 2·70 m.

Gardner (G. C.) cavatio Pp. 14 25/.

Gutschmi Heraus Schrift und L Teubne

Muret (E logue Biblioth Plon.

Savelli (cesso a rence:

IV. ECCLESIASTICAL AND MEI

Beek (J. A. van). Lijst van eenige boeken en brochuren uitgegeven in de oud-katholieke kerk van Nederland [1700–1751]. Pp. 113. Rotterdam: Reisberman. 1·60 fl.

Belfort (A. de). Description générale des monnaies mérovingiennes par ordre alphabétique des ateliers, publiée d'après les notes de M. le vicomte de Ponton d'Amécourt. III: *Paciacvs-Vvltaconnvs*. Pp. 468, illustr. Paris: Société française de numismatique. 15 f.

Berger (S.) Histoire de la Vulgate pendant les premiers siècles du moyen âge. Pp. 444. Paris.

Berthelot (M.) Histoire des sciences: La chimie au moyen âge; alchimie syriaque et arabe. Pp. 459, xliii, 414, 474. Paris: imp. nationale. 60 f.

Bouriant (U.) Actes du concile d'Éphèse. Texte copte. (Mémoires publiés par les membres de la mission archéologique française au Caire. VIII. 2.) Pp. 147. Paris: Leroux. 4to. 15 f.

Brandi (B.) Notizie intorno a Guillelmus de Cunio, giureconsulto francese del secolo XIII–XIV; le sue opere e il suo insegnamento a Tolosa. Pp. 130. Rome: Forzani.

Chantrel (J.) & Chamard (F.) Annales ecclésiastiques pour faire suite à l'Histoire universelle de l'église catholique par Rohrbacher: [1846–1868]. V: 1872–1873. Pp. 641–813. Paris: Gaume. 2 f.

Claparède (T.) Histoire de la réformation en Savoie. Pp. 380. Geneva: Cherbuliez. 12mo. 3 f.

Clemen (C.) Die Chronologie der paulinischen Pp. 293

Dall (G. de Por dance. 3·50 f.

Desimoni gouste génois 152. I

Douais (C aux rel prêcheu -quinzi 39. To

Duchesne Pp. 8 Daupel

Egli (E.) bis auf illustr.

France (a sa vie e Brieuc:

Guigues l'église Lyons:

Headlam Isauria illustr.

Jarry (E. franco- 106. N ley-Gou

Kneller herz de 1194]. 1·60 m.

Langen (Kirche

III quellenmässig dargestellt. Pp. 720. Bonn: Cohen. 18 m.

LÉON (P.) Vie de saint Bernardin de Sienne, apôtre de l'Italie [1380–1444], de l'ordre des Frères mineurs de l'Observance. Pp. 212. Vannes: imp. Gannereau. 16mo.

MAIN (A.) I Pisani alle prime crociate. Pp. 93. Leghorn: Meucci.

MALMSTRÖM (A.) Den apostoliska kyrkan och principatet. Pp. 212. Lund. (3 m.)

MÖLLER (W.) Lehrbuch der Kirchengeschichte. II. Zweite durchgesehene Ausgabe. Pp. 568. Freiburg: Mohr. 12 m.

OEHEM (Gallus), Die Chronik des, bearbeitet von K. Brandi. (Quellen und Forschungen zur Geschichte der Abtei Reichenau. II.) Pp. 216, plates. Heidelberg: Winter. 20 m.

PASCOLATO (A.) Fra Paolo Sarpi. Pp. 237. Milan: Hoepli. 16mo. 3·50 l.

PAULUS (N.) Der Augustiner Bartholomäus Arnoldi von Usingen, Luthers Lehrer und Gegner. (Strassburger theologische Studien. I, 3.) Pp. 136. Freiburg: Herder. 1·80 m.

RÉFORMATEURS, Correspondance des, dans les pays de la langue française recueillie par A. L. Herminjard. VIII: [1542–1543]. Pp. 543. Geneva: Georg. 10 f.

ROEHRICHT (R.) Regesta regni Hierosolymitani [1097–1291]. Pp. 524. Innsbruck: Wagner. 13·60 m.

SOMMERVOGEL (C.) Bibliothèque de la Compagnie de Jésus. 1re partie. Nouvelle édition. Bibliographie. IV: *Haakman-Lorette*. Pp. 1966. Brussels: Société belge de librairie. 4to. 30 f.

SPITTA (F.) Zur Geschichte und Litteratur des Urchristentums. I. Pp. 340. Göttingen: Vandenhoeck & Ruprecht. 8 m.

STEINSCHNEIDER (M.) Die hebräischen Uebersetzungen des Mittelalters und die Juden als Dolmetscher: ein Beitrag zur Literaturgeschichte des Mittelalters. 2 vol. Pp. xxxiv, 1077. Berlin: Bibliograph. Bureau. 30 m.

WEISSENBORN (H.) Zur Geschichte der Einführung der jetzigen Ziffern in Europa durch Gerbert. Pp. 123. Berlin: Mayer & Müller. Pp. 123.

V. HISTORY OF MODERN EUROPE

BOISSONNADE (P.) Histoire de la réunion de la Navarre à la Castille: essai sur les relations des princes de Foix-Albret avec la France et l'Espagne [1479–1521]. Pp. 689. Paris: Picard. 10 f.

CATHERINE reine de Westphalie, née princesse de Wurtemberg. Correspondance inédite avec sa famille et celle du roi Jérôme, les souverains étrangers, et divers personnages. Publiée par le baron A. du Casse. Pp. 402. Paris: Bouillon. 7·50 f.

CHUQUET (A.) Les guerres de la révolution. 3e série: Wissembourg [1793]. Pp. 243, map. Paris: Cerf. 16mo. 3·50 f.

JÄGER (O.) & MOLDENHAUER (F.) Auswahl wichtiger Aktenstücke zur Geschichte des neunzehnten Jahrhunderts. Pp. 606. Berlin: Seehagen. 9 m.

MANFRONI (C.) La legazione del cardinale Caetani in Francia [1589–1590]. Pp. 80. Turin.

MAULDE-LA-CLAVIÈRE (M. de). La diplomatie au temps de Machiavel. II. Pp. 408. Paris: Leroux.

MURATORI (L. A.) & LEIBNIZ (G. G.) Corrispondenza. Ed. by M. Campori. Pp. xxxiii, 335. Modena: Vincenzi.

PFEIL (R., Graf von). Experience of a Prussian officer in the Russian service during the Turkish war of 1877–1878. Transl. by C. W. Bowdler. Pp. 358, map. London: Stanford. 10/6.

ROTHAN (G.) Souvenirs diplomatiques: l'Europe et l'avènement du second empire. Pp. xliii, 444. Paris: C. Lévy. 18mo. 3·50 f.

SAVOY.—Le nozze del duca Emanuele Filiberto di Savoia con Margherita di Francia, da dispacci di ambasciatori estensi, con prefazione di I. Malaguzzi. Pp. xviii, 25. Modena: Soliani. 4to.

SLOANE (W. M.) The French war and the revolution. Pp. 409, maps. London: Low. 7/6.

SOCIETY for the Propagation of the Gospel in foreign parts, Classified digest of the records of the [1701–1892]. Pp. 980. London: Society for the Propagation of the Gospel. 15/.

SPAIN.—Correspondencia de D. Luis de Requesens y D. Juan de Zuñiga con Felipe II y con el cardenal de Granvela, D. Diego de Zuñiga, &c. II: [19 March–12 June 1571]. (Nueva colección de documentos inéditos para la historia de España y de sus Indias.) Pp. 385. Madrid: Hernandez. 4to. 13 pes.

VAST (H.) Les grands traités du règne de Louis XIV [1648–1659]. Pp. 193. Paris: Picard. 4·50 f.

A. FRANCE

ABRANTÈS (madame d'). Mémoires: souvenirs historiques sur Napoléon, la révolution, le directoire, le consulat, l'empire, et la restauration. I. Pp. 473. Paris: Garnier. 18mo. 3·50 f.

ALLAIN (E.) Inventaire sommaire des archives de l'archevêché de Bordeaux antérieures à 1790. Pp. xxxiii, 242. Bordeaux: imp. Duverdier. 4to. 12 f.

BAGUENIER-DESORMEAUX. Notes et récits

pour servir à l'histoire des guerres de Vendée; les débuts de l'insurrection à Chemillé [19 mars–12 avril 1791]. Pp. 53. Vannes: imp. Lafolye.

BAUDOT (M. A.) Notes historiques sur la convention nationale, le directoire, l'empire, et l'exil des votants. Pp. 361. Paris: imp. Cerf.

BONDOIS (P.) Histoire de la guerre de 1870–1871 et des origines de la troisième république [1869–1871]. Pp. 461, illustr. Paris: Picard & Kaan. 9 f.

BOURNON (F.) Histoire générale de Paris: la Bastille [1370–1789]. Pp. 366, plates. Paris: Champion. 4to. 30 f.

BRETTE (A.) Le serment du Jeu de paume. Fac-similé du texte et des signatures. Pp. lxxviii, 67, 13 plates. Paris: Charavay. 10 f.

CARRÉ (H.) La Chalotais et le duc d'Aiguillon: correspondance du chevalier de Fontette. Pp. 620. Paris: May & Motteroz.

COYECQUE (E.) Notice sur les cartulaires de l'Hôtel-Dieu de Paris. Pp. lxviii, 497–562. Paris: imp. nationale. 4to.

CUILLEMAUT (L.) Histoire de la Bresse louhannaise; temps anciens et moyen âge. Pp. 624. Louhans: imp. louhannaise. 6 f.

DUBOIS-MELLY. Les ordonnances royales et les mœurs sous le règne des derniers Valois. II. Pp. 66. Geneva: Georg.

ESPINAY (G. d'). La réforme de la coutume du Maine en 1508. Pp. 55. Mamers: Fleury & Dangin.

GLASSON (E.) Histoire du droit et des institutions de la France. V. Pp. lxiii, 549. Paris: Pichon. 10 f.

HAIGNERÉ (D.) Les chartes de Saint-Bertin, d'après le grand cartulaire de Charles-Joseph Dewitte, publiées ou analysées. III, 2. Pp. 121–352. Saint-Omer: imp. d'Homont. 4to. 5 f.

HOUSSAYE (H.) 1815: la première restauration; le retour de l'île d'Elbe; les cent-jours. Pp. 637. Paris: Perrin. 3·50 f.

KERVILER (R.) Armorique et Bretagne: recueil d'études sur l'archéologie, l'histoire, et la biographie bretonnes, publiées de 1873 à 1892. Pp. 288, 566, 372. Paris: Champion. 18 f.

LA BOUËRE (comtesse de). Mémoires inédits de Bertrand Poirier de Beauvais, commandant général de l'artillerie des armées de la Vendée. Pp. 397. Paris: Plon. 7·50 f.

LABROUE (E.) Bergerac sous les Anglais: essai historique sur le consulat et la communauté de Bergerac au moyen âge. Pp. 237. Bordeaux: Gounouilhou. 4to. 7 f.

LA LANDE DE CALAN (C. de). La défense des côtes de Bretagne aux seizième et dix-septième siècles. Pp. 41. Vannes: imp. Lafolye.

LEXPERT. Notice sur les états particuliers du Vivarais. Pp. 84. Tournon: imp. de l'Ardèche. 12mo. 2·50 f.

LIMOGES, Registres consulaires de la ville de. V: [1741–1773]. Pp. 462. Limoges: Ducourtieux. 8 f.

MAZARIN (cardinal), Lettres du, pendant son ministère. Publiées par G. d'Avenel. VII: [juillet 1655–juin 1657]. Pp. 811. Paris: imp. nationale. 4to. 12 f.

MENTION (L.) Documents relatifs aux rapports du clergé avec la royauté [1682–1705]. Pp. 191. Paris: Picard. 4·50 f.

MORANVILLÉ (H.) Chronographia regum Francorum. II: [1328–1380]. Pp. 404. Paris: Laurens. 9 f.

MOÜY (C. de). Louis XIV et le Saint-Siège: l'ambassade du duc de Créqui [1662–1665]. Pp. 484, 436, illustr. Paris: Hachette. 15 f.

PEIRESC, Lettres de, publiées par P. Tamizey de Larroque. IV: Lettres de Peiresc à Borrilly, à Bouchard, et à Gassendi; lettres de Gassendi à Peiresc [1626–1637]. Pp. 619. Paris: Hachette. 4to. 12 f.

PITON (C.) Les Lombards en France et à Paris. II: Numismatique. Pp. 137. Paris: Champion. 5 f.

PONS, Chartrier de, publié par G. Musset. (Archives historiques de la Saintonge et de l'Aunis. XXI.) Pp. 460. Paris: Picard. 15 f.

RUBEN DE COUDER (M.) Pandectes françaises, ou collection nouvelle résumant la jurisprudence de 1789 à 1886. Tables générales. I: [1789–1829]. Pp. 1099. Paris: Chevalier-Marescq. 4to. 21 f.

B. GERMANY

BADEN und Hachburg, Regesten der Markgrafen von [1050–1515]. Bearbeitet von R. Fester. II, III. Pp. 73–209, 9–40. Innsbruck: Wagner. 4to. 8 m.

BIOGRAPHIE, Allgemeine deutsche. XXXV. Pp. 796. Leipzig: Duncker & Humblot. 12 m.

BISMARCK (Fürst). Politische Reden. Historisch-kritische Gesammtausgabe, besorgt von H. Kohl. V: [1871–1873]. Pp. 447. Stuttgart: Cotta. 8 m.

BLUM (H.) Auf dem Wege zur deutschen Einheit: Erinnerungen und Aufzeichnungen eines Mitkämpfers aus den Jahren 1867–1870. 2 vol. Pp. 377, 360. Jena: Costenoble. 10 m.

BÜNGER (C.) Matthias Bernegger: ein Bild aus dem geistigen Leben Strassburgs zur Zeit des dreissigjährigen Krieges. Pp. 401, portr. Strassburg: Trübner. 12 m.

FEST (A.) Fiume zur Zeit der Uskokenwirren: ein Beitrag zur Geschichte

des österreichisch-ungarischen Küstenlandes. Trieste: Dase. 3 m.

FICKER (J.) Untersuchungen zur Rechtsgeschichte. II: Untersuchungen zur Erbfolge der ostgermanischen Rechte. 1. Pp. 400. Innsbruck: Wagner. 11·20 m.

FRIEDRICHS des Grossen, Die Kriege. I: Der erste schlesische Krieg [1740–1742]. II, III. Pp. 275, 37; 377, 44, maps. Berlin: Mittler. 21 m.

HEIDELBERG, Die Matrikel der Universität [1386–1662], bearbeitet von G. Toepke. III: Register. II. Pp. 545–887. Heidelberg: Winter. 12 m. (complete 80 m.)

KEMPF (J.) Geschichte des deutschen Reiches während des grossen Interregnums [1245–1273]. Pp. 292. Würzburg: Stuber. 6 m.

KLÉLÉ (J.) Hexenwahn und Hexenprozesse in der ehemaligen Reichsstadt und Landvogtei Hagenau. Pp. 177. Hagenau: Ruckstuhl. 3·25 m.

KOLDE (T.) Martin Luther: eine Biographie. II, 2. Pp. 237–624. Gotha: Perthes. 6 m.

LINDNER (T.) Die deutschen Königswahlen und die Entstehung des Kurfürstenthums. Pp. 234. Leipzig: Dyk. 5 m.

MÜLLER (J. H.) Vor- und frühgeschichtliche Alterthümer der Provinz Hannover. Herausgegeben von J. Reimers. Pp. 386, plates. Hanover: Schulze. 18 m.

SCHULTHEISS (F. G.) Geschichte des deutschen Nationalgefühles. I: Von der Urzeit bis zum Interregnum. Pp. 296. Munich: Franz. 6 m.

THIMME (F.) Die inneren Zustände des Kurfürstenthums Hannover unter der französisch-westfälischen Herrschaft [1806–1813]. I. Pp. 448. Hanover: Hahn. 8 m.

TOLLIN (H.) Geschichte der französischen Colonie von Magdeburg. III, 1, B. Pp. 896, illustr. Magdeburg: Faber. 12·75 m.

ZAHN (J. von). Ortsnamenbuch des Steiermark im Mittelalter. Vienna: Hölder. 40 m.

C. GREAT BRITAIN AND IRELAND

AGNEW (sir A.) The hereditary sheriffs of Galloway; with notes of the early history, &c., of the province. 2 vol. Illust. Edinburgh: Douglas. 25/.

ANDERSON (P. J.) Aberdeen university: lists of officers, University and King's College [1495–1860]. Aberdeen: University Press.

ARCHIBALD (J.) The historic episcopate in the Columban church and in the diocese of Moray, with other Scottish ecclesiastical annals. Pp. 406. Edinburgh: St. Giles Printing Co. 6/.

BIOGRAPHY, Dictionary of national. Edit. by S. Lee. XXXVI: *Malthus–Mason*. London: Smith, Elder, & Co. 15/.

BROSCH (M.) Geschichte von England. VIII. (Geschichte der europäischen Staaten, LV. 1.) Pp. 571. Gotha: Perthes. 10 m.

BUSHELL (W. D.) Wulfred and Cwoenthryth. (Harrow Octocentenary Tracts. II.) Pp. 23. Cambridge: Macmillan & Bowes. 1/.

CAINE (C.) The martial annals of the city of York. Pp. 287, illustr. York: Sampson. 4to. 15/.

CRAVEN (J. B.) History of the church in Orkney [1662–1688]. Pp. 159, illustr. Kirkwall: Peace. 4to.

EDGAR (J.) History of early Scottish education. Pp. 333. Edinburgh: Thin.

ERNST (W.) Memoirs of the life of Philip Dormer, fourth earl of Chesterfield. With numerous letters now first published from the Newcastle Papers. Pp. 563, portr. London: Sonnenschein. 10/6.

FAHEY (J.) The history and antiquities of the diocese of Kilmacduagh. Pp. 492, illustr. Dublin: Gill. 8/.

FIRTH (C. H.) The life of Thomas Harrison, major-general in the army of the commonwealth of England. Pp. 77. Worcester, Mass.: Hamilton.

HAHL (A.) Zur Geschichte der volkswirthschaftlichen Ideen in England gegen Ausgang des Mittelalters. (Elster's Staatswissenschaftliche Studien. V, 2.) Jena: Fischer. 1·80 m.

HISTORICAL manuscripts commission. Thirteenth report. London: H. M. Stationery Office. 3*d*.

HOPE (R. C.) The legendary lore of the holy wells of England. Pp. 222, illustr. London: Stock. 7/6.

HUTTON (W. H.) The marquess Wellesley. (Rulers of India.) Pp. 214. Oxford: Clarendon Press.

JACOBS (J.) The Jews of Angevin England: documents and records from Latin and Hebrew sources, collected and transl. Pp. 425. London: Nutt. 4/.

JOYCE (P. W.) A short history of Ireland from the earliest times to 1608. Pp. 565, map. London: Longmans. 10/6.

LODGE (S.) Scrivelsby, the home of the champions; with some account of the Marmion and Dymoke families. Pp. 200, illustr. London: Stock. 4to. 10/6.

MALLESON (G. B.) Lord Clive. (Rulers of India.) Pp. 229, map. Oxford: Clarendon Press. 2/6.

NEMOURS-GODRÉ (L.) Daniel O'Connell, sa vie, son œuvre. Pp. 290, illustr. Paris: Gautier. 6 f.

NIELSON (G.) Peel: its meaning and derivation. Pp. 33. Glasgow: Strathern & Freeman.

OSMOND (J. R.) Notes of the proceedings

in the first general assembly of the free church of Scotland, May 1843. Pp. 48. Edinburgh: Macniven & Wallace. 1/.

Pearse (J.) British history and papal claims, from the Norman conquest to the present day. 2 vol. Pp. 1000. London: Hodder & Stoughton. 21/.

Reid (C. R.) & M'Cormack (J. M.) Scotland's free church: a historical retrospect and memorial of the disruption. Pp. 296. London: Constable. 5/6.

Scotland.—Rotuli scaccarii regum Scotorum. The exchequer rolls of Scotland, edited by G. Burnett and J. J. G. Mackay. XIV: 1513–1522. Pp. cxxiv, 836. Edinburgh: H. M. General Register House. 15/.

Skinner (C. W.) The worship of the church of Scotland during the covenanting period [1638–1688]. (The Lee lectures, 1888.) Pp. 58. Edinburgh: Blackwood. 6d.

Statutes, The. Second revised edition. VI: 7 & 8 Will. IV—5 & 6 Vict. [1837–1842]. London: H. M. Stationery Office. 7/6.

Thomson (sir R.) James Thomason. (Rulers of India, supplementary vol.) Pp. 215, portr. Oxford: Clarendon Press. 3/6.

Tout (T. F.) Edward the First. Pp. 238. London: Macmillan. 2/6.

Wace (P.) The invaders of Britain: an introduction to the study of British history. Pp. 184. Clifton: Baker.

Warren (P.) History of Clare and the Dalcassian clans of Tipperary, Limerick, and Galway. Pp. 390, map. Dublin: Gill.

Winchester.—Liber Vitæ: register and martyrology of New Minster and Hyde abbey, Winchester. Ed. by W. de G. Birch. Pp. 430. Winchester: Warren. 15/.

York.—Index of wills in the York registry [1554–1568]. [By A. Gibbons.] (Yorkshire Archæological Society. Record series. XIV.) Pp. 212. *S. l.*: Printed for the Society.

Young (R. M.) Ulster in 1798: episodes and anecdotes now first printed. Pp. 94, illustr. Ward. 1/.

D. ITALY

Bianchi (V.) Il regno di Vittorio Emanuele II. VIII. Turin.

Bruzzo (S.) di Cavoretto. Il chartularium del monastero di, pubblicato da P. Manca. I. Pp. lxxviii, 439, photos. Montecassino: tip. di Montecassino. 8vo.

Buonfiglio (E. G.) L' assedio di Palermo nel 1452, col testo genuino dei capitoli della resa. Pp. 32. Reggio-Emilia: tip. Artigianelli. 16mo.

Bulzoni (R.) L' archivio storico del comune di Forlì. Pp. 57. Rome: tip. Ferrari.

Carutti (D.) Storia della corte di Savoia durante la rivoluzione e l'impero francese. 2 vol. Pp. 516, 496. Turin: Roux. 15 l.

Conti (C.) La prima reggia di Cosimo I de' Medici nel palazzo già della signoria di Firenze. Pp. 291, illustr. Florence: Pellas. 12 l.

Favaro (A.) Nuovi documenti intorno all' emigrazione di professori e di scolari dallo studio di Bologna [1321]. Pp. 13. Bologna: tip. Fava e Garagnani.

Gandini (L. A.) Sulla venuta in Italia degli arciduchi d' Austria, conti del Tirolo [1652]: studio storico corredato da documenti inediti. Pp. 67. Modena: tip. Soliani. 16mo.

Gebhart (E.) L'Italie mystique: histoire de la renaissance religieuse au moyen âge. Pp. 340. Paris: Hachette. 16mo. 3·50 f.

Landau (G.) Indagini storico-politiche sulla vita e sulle opere di Dante Alighieri. Pp. 211. Turin: Roux. 2·50 l.

Luzio (A.) & Renier (R.) Mantova e Urbino; Isabella d' Este ed Elisabetta Gonzaga nelle relazioni famigliari e nelle vicende politiche. Pp. 333, illustr. Turin: Roux. 5 l.

Mascarini-Pozzi (F.) La popolazione di Sicilia e di Palermo del decimo al ottodecimo secolo. Pp. 619. Palermo: tip. Virzì. 5 l.

Mazzatinti (F.) Reminiscenze storiche edite ed inedite documentate. II, 1. Pp. 678. Turin: Roux. 10 l.

Minis (S.) Il governo della repubblica veneta nell' isola di Cherso. Pp. 35. Maddaloni: Salafia.

Nasco (N.) Storia civile del regno d' Italia. V, VI. Pp. 583, 616. Naples.

Pasquali (G.) L' origine dei comuni di Milano e Roma [secolo XI e XII]. Pp. 201. Palermo: Clausen. 16mo. 8 l.

Patetta (F.) Sull' introduzione del digesto a Bologna e sulla divisione bolognese in quattro parti. Pp. 30. Rome: Loescher.

Perugia, Cronache della città di, edite da A. Fabretti. IV: 1517–1586. Pp. 307. Turin: coi tipi privati dell' Autore.

Pittavino (A.) L' assedio di Pinerolo nel 1693, con notizie sull' eccidio di Cavour, &c. Pp. 31. Pinerolo: tip. Sociale.

Saxius (G.) Amedeo VI di Savoia nei documenti dell' archivio di Siena. Pp. 29. Siena: Nava.

Segala (G.) Verona e Mantova nella cospirazione contro l' Austria e nei processi politici del 1850 al 1853. Pp. lxiii, 107. Verona: Apollonio.

Serchambi (Giovanni). Le croniche, pubblicate su manoscritti originali a cura di S. Bonghi. III. Pp. 476. Lucca: tip. Giusti. 30 l.

Tivaroni (C.) L' Italia durante il

dominio austriaco. II: L' Italia centrale. Pp. 449. Turin: Roux. 16mo. 3·50 l.

TREVISO, Il capitolare del fondaco delle farine in [1549], con notizie storiche relative. Pp. xxx, 18. Venice: tip. Battaggia.

VICCHI (L.) Les français à Rome pendant la convention [1792–1795]. Pp. clxviiii, 182, plates. Rome: Forzani. 4to. 30 l.

VILLARI (P.) I primi due secoli della storia di Firenze: ricerche. I. Pp. 319. Florence: Sansoni. 5 l.

ZDEKAUER (L.) Sulle origini dello studio senese. Pp. 35. Siena: Nava.

E. OTHER COUNTRIES

BANG (A. C.) Dokumenter og Studier vedrørende den lutherske Katekismus' Historie i Nordens Kirker. I. Pp. 284. Christiania. (4·50 m.)

BIENEMANN (F.) Werden und Wachsen einer deutschen Kolonie in Süd-Russland: Geschichte der evangelisch-lutherischen Gemeinde zu Odessa. Pp. 460. Odessa (Riga: Hoerschelmann).

BRECHERSHÄUSERN (Jost von). Chronik [1598–1656]. Ed. by W. F. von Mülinen. Pp. 32. Bern: Buchdruckerei des Berner Tagblatt. 75 c.

BREVBØGER, Kancelliets, vedrørende Danmarks indre Forhold [1561–1565]. I. Pp. 240. Copenhagen. 3·75 m.

BROEKEMA (J.) Catalogus van de pamfletten, tractaten, enz., aanwezig in de provinciale bibliotheek van Zeeland. I: [1568–1795]. Pp. 662. Middelburg: Auer. 2·50 fl.

BRUINVIS (C. W.) Over Alkmaarsche geschiedboeken en geschiedschrijvers. Pp. 78. Alkmaar: Coster.

CAUCHIE (A.) Notes sur quelques sources manuscrites de l'histoire belge à Rome. Pp. 48. Brussels: Hayez. 18mo. 2 f.

COLECCIÓN de documentos inéditos para la historia de España por el marqués de la Fuensanta del Valle. CVI: Continuación de la crónica de España del arzobispo D. Rodrigo Jiménez de Rada por el obispo D. Gonzalo de la Hinojosa, &c. Pp. 513. Madrid: Murillo. 4to. 13 pes.

COLMEIRO (M.) Reyes cristianos, desde Alonso VI hasta Alfonso XI, en Castilla, Aragón, Navarra, y Portugal. Pp. 436, plates. Madrid: tip. El Progreso. 4to. 21·50 pes.

DANVILA Y COLLADO (M.) Reinado de Carlos III. I. Pp. 439, plates. Madrid: tip. El Progreso editorial. 4 to. 21·50 pes.

DOORNINCK (P. N. van). Inventaris van het oud-archief der heerlijkheid en gemeente Bennebroek. Pp. 160. Haarlem: Van Brederode. 2·50 fl.

FRYXELL (A.) Berättelser ur svenska historien. Fortsatta af O. Sjögren. XLIX: Gustaf IV Adolf. Pp. 392. Stockholm. (5·25 m.)

GARCÍA (J. C.) Castilla y León durante los reinados de Pedro I, Enrique II, Juan I, y Enrique III. I. Pp. xxxviii, 505, plates. Madrid: Murillo. 4to.

GÓMEZ DE ARTECHE (J.) Reinado de Carlos IV. Pp. 516, plates. Madrid: tip. El Progreso editorial. 4to. 21·50 pes.

LEROY-BEAULIEU (A.) The empire of the tsars and the Russians. Transl. by Z. A. Ragozin. I. Pp. 588, maps. London: Putnam. 12/6.

NETHERLANDS.—Repertorium der verhandelingen en bijdragen, betreffende de geschiedenis des vaderlands, in mengelwerken en tijdschriften tot op 1890 verschenen. 3e supplement. Pp. 251. Leyden: Brill. 2·75 fl.

MÜLINEN (W. F. von). Beiträge zur Geschichte der Einigungen der alten Eidgenossenschaft mit dem Auslande und des Verhaltens der Eidgenossenschaft bei dem endgültigen Uebergang der Franche-Comté an Frankreich. Pp. 64. Bern: Schmid, Francke, & Co. 2 f.

MULLER FZ. (S.) Catalogus van het archief der stad Utrecht. I: 1122–1577. Pp. 88, 98. Utrecht: Beijers. 3 fl.

NIJHOFF (D. C.) Staatkundige geschiedenis van Nederland. II. Pp. 506. Zutphen: Thieme. 4 fl.

PIRENNE (H.) Bibliographie de l'histoire de Belgique: catalogue méthodique et chronologique des sources et des ouvrages principaux relatifs à l'histoire de tous les Pays-Bas jusqu'en 1598 et à l'histoire de Belgique jusqu'en 1830 Pp. 231. Ghent: Engelcke. 4 f.

PARETS (Miguel). De los muchos sucesos dignos de memoria que han ocurrido en Barcelona y otros lugares de Cataluña [1626–1660]. VI: [junio 1652–febrero 1660]. (Memorial histórico español. XXV). Pp. 829. Madrid: Murillo. 4to. 4·50 pes.

REITSMA (J.) Geschiedenis van de hervorming en de hervormde kerk der Nederlanden. Pp. 452. Groningen: Wolters. 5·75 fl.

RIEBEEK (Jan van). Dagverhaal. III: [1659–1662]. (Werken van het Historisch Genootschap gevestigd te Utrecht. N.S. LIX.) Pp. 755. The Hague: Nijhoff. 8 fl.

ROTTERDAM, Bronnen voor de geschiedenis van. I: De regeering van Rotterdam [1328–1892], bewerkt door J. H. W. Unger. Pp. 110, 600, plates. Rotterdam: P. van Waesberge. 4to. 10 fl.

VALLAIS.—Mémoires et documents publiés par la Société d'histoire de la Suisse romande. XXXVII. Documents relatifs à l'histoire du Vallais recueillis par

l'abbé J. Gremaud. VI: [1375–1402]. Pp. 632. Lausanne: Bridel. 8 f.

VILANOVA Y PIERA (J.) & RADA Y DELGADO (J.) Geología y protohistoria ibéricas. Pp. 652. Madrid: tip. El Progreso editorial. 4to. 21 pes.

VIVES Y ESCUDERO (A.) Monedas de las dinastías arábigo-españolas. Pp. xci, 553. Madrid: Murillo. 4to. 42 pes.

VOS (chanoine). Le clergé dans le diocèse de Tournai, depuis le concordat de 1801 jusqu'à nos jours. IV, V. Pp. 307, 315. Braine-le-Comte: Zech. 5 f.

XENOPOL (A. D.) Istoria Romanilor din Dacia-Traiană. VI: Istoria contimporană cu portretul autorului. Pp. 666. Jassy. (14 m.)

VI. AMERICAN AND COLONIAL HISTORY

BERCHET (G.) Fonti italiane per la storia della scoperta del nuovo mondo. Pp. xlvii, 287. Rome: Forzani. fol.

BERNIS (C. F.) History of elections in the American colonies. (Columbia College Studies in History, Economics, and Public Law. III, 1.) Pp. 297. New York: Columbia College.

CARVAJAL (J. de). Relación del descubrimiento del río Apure hasta su ingreso en el Orinoco. Pp. 444, plates. Madrid: Murillo. 4to. 7 pes.

CURTIS (G. L.) Manual of methodist episcopal church history. (De Pauw University Series.) Pp. 378. New York: Hunt & Eaton. (8/6)

GRESWELL (W. P.) Outlines of British colonisation. Pp. 374. London: Percival. 6/.

HEITMAN (F. B.) Historical register of officers of the continental army during the war of the revolution [April 1775–December 1783]. Pp. 532. Washington, D.C.: Lowdermilk. (25/)

JAY: (John), first chief justice of the United States, The writings and correspondence of. Ed. by H. P. Johnston. III, IV. New York: Putnam. (25/)

KINLEY (D.) The history, organisation, and influence of the independent treasury of the United States. Pp. 336. New York: Crowell. (7/6)

OLIVEIRA MARTINS (J. P. de). Les explorations des Portugais antérieures à la découverte de l'Amérique. Trad. par A. Boutroue. Pp. 33, map. Paris: Leroux.

PFOTENHAUER (J.) Die Missionen der Jesuiten in Paraguay. III. Pp. 384. Gütersloh: Bertelsmann. 5 m.

SALES FERRER (M.) El descubrimiento de América según las últimas investigaciones. Pp. 256. Seville.

SANTA (Inez Francisco de). Crónica de la provincia de San Gregorio Magno, escrita en 1670. II. (Biblioteca histórica filipina. III.) Pp. 702. Manila: Chofre. 4to. 11 pes.

SERRATO (F.) Cristóbal Colón: historia del descubrimiento de América. Pp. 423. Madrid. 4to.

STEPHENS (the late T.) Madoc: an essay on the discovery of America by Madoc ap Owen Gwynedd in the twelfth century. Pp. 249. London: Longmans. 7/6.

STUDART (G.) Notas para a historia do Ceará (segunda metade do seculo XVIII). Pp. 520. Lisbon: typographia do 'Recreio.'

YOUNG (G.) The Columbus memorial containing the first letter of Columbus descriptive of his voyage to the new world: the Latin letter to his royal patrons, and a narrative of the four voyages of Amerigo Vespucci. Pp. 178. Philadelphia: Jordan. (2/6)

Contents of Periodical Publications

I. FRANCE

Annales de l'Ecole Libre des Sciences Politiques, viii. 3. *July—The preliminaries of the treaty of Bardo*; unpublished documents on the relations of France and Italy from 1878 to 1881 [on the history of the Tunisian question].—— D. Zolla: *Variations in the rent and price of land in France during the seventeenth and eighteenth centuries*, continued [examining the causes of these variations under the three heads of wars and political disturbances, taxation, and variations in the price of agricultural produce].

Bibliothèque de l'Ecole des Chartes, liv. 3, 4. *May–August*—L. Duchesne: *The life of St. Geneviève* [discussing the relative value of the manuscripts; maintaining, against B. Krusch, that the author shows no acquaintance with Gregory of Tours, Fortunatus, or other later writers, but belongs (as he professes) to about the year 520].——C. V. Langlois: *Master Bernard* [identifying the author of the 'Summa dictaminum' found in three manuscripts at Brussels, Bruges, and Vienna, with Bernard Silvester, and regarding the similar treatise entitled 'Ars dictaminis' as an abridgement of it by Bernard of Orleans, canon of Meung. The writer further holds Bernard Silvester (against B. Hauréau) to be the same person with Bernard of Chartres, John of Salisbury's master, and gives reasons for believing him to have taught at Tours and moreover to have been the author of an astronomical treatise, the 'Experimentarius,' preserved in two Bodleian manuscripts, Digby 46 and Ashmole 304].——P. Durrieu: *Manuscripts in Spain noticeable for their miniatures and fineness of execution.*——H. Omont prints the *catalogue of the library of Bernard II, archbishop of St. James of Compostella* [1226].——H. F. Delaborde: *Geoffroy de Vaucouleurs* [brother of Joinville], *at the court of Henry III and Edward I.*——H. Moranvillé: *A frontier dispute in the country of Verdun* [1387–1389], with documents.—— L. Delisle: *Henry IV's elephant* [with notices of other elephants in France].

La Révolution Française, xxiv. 6. *June*—F. A. Aulard: *Danton as minister of justice* [10 Aug.–2 Sept. 1792].—— F. Thénard: *The 29th June 1793 at Nantes.*——E. Driault: *A national agent at Alençon during the terror*, concluded.——S. Leroy: *The assembly of the district of Sedan* [1787–1789].—— P. Robiquet prints *minutes of the directory of the department of the Mayenne* [Feb. 1791–July 1793].——**xxv. 1.** *July*—F. A. Aulard: *Danton and the September massacres* [arguing that Danton attempted to avert the massacres, but accepted the responsibility for them afterwards].——C. Canel: *The capture of Montbéliard* [1 Sept. 1792].——T. Lemas prints a *report of the operations against the Chouans in the department of Ille-et-Vilaine.*—— A. Brette prints a *letter of the abbé Jallet to Necker* [presenting a revised cahier of grievances on behalf of the clergy of Poitou].——**2.** *August*—A. Lichtenberger: *Linguet as a socialist* [a summary of the economic views expressed in 'La Théorie des Lois Civiles' and 'Les Annales Politiques, Civiles, et Littéraires du XVIII^e^ Siècle'].——F. A. Aulard: *Danton at the National Convention.*—— J. Mandoul: *The Jacobin club at Carcassonne* [compiled mainly from the letters of national agents].—— *The 18th Brumaire* [an extract from a letter from Debret to M. Panckouke, 10 Nov. 1819].

Revue Critique d'Histoire et de Littérature, 1893. 28. 10 *July*—Clermont-Ganneau: *Bishop Rochechouart's journey to Jerusalem* [1461; on C. Couderc's edition].——**33.** 14 *August*—M. Barroux: *Ménorval's history of Paris*, ii.——**35.** 28 *August*—S. Reinach: *Radet's 'Lydie.'*

Revue d'Histoire Diplomatique, vii. 3.—E. Plantet: *Muley Ismael, emperor*

of Morocco and the princess of Conti [describing the relations between France and Morocco during the latter half of the seventeenth century, and an embassy sent by Muley Ismael to demand the hand of the princess of Conti, the daughter of Louis XIV and Louise de la Vallière, whose husband had left her a widow in 1685. Pontchartrain did not encourage Muley's hopes, and the Versailles world covered the proposal with ridicule].—COMTE DE BOISLECOMTE: *Canning and the Bourbon intervention in Spain* [an account of the views of Canning and his colleagues with regard to the decisions come to by the allies at the congress of Verona. The French intervention in Spain in 1823 was successful and Canning had to content himself with the recognition of the freedom of the South American republics].—E. ROTT: *Instructions and despatches sent by Henry IV to Charles Paschal, his ambassador with the Grisons* [1604–1610], concluded.

Revue des Etudes Juives, No. 51. *January*—T. REINACH: '*Quid Judaeo cum Verre?*' [on the passage concerning the Jews in Cicero].—D. KAUFMANN: *The family of Yehiel of Pisa.*—FRANCO: *The Jews in the Ottoman empire in the nineteenth century.*=== **52.** *April*—I. LÉVI: *The Jews in Candia* [1380–1485].—A. LÉVY: *Notes on the history of the Jews in Saxony*, concluded.—M. SCHWAB: *An episode in the history of the Jews in Spain.*

Revue Historique, lii. 2. *July*—A. CARTELLIERI: *The accession of Philip Augustus* [1179–1180].—M. OSTROGORSKY: *The origins of political associations and party organisations in England* [from the time of Wilkes downwards].—C. V. LANGLOIS: *The English in the middle ages*: a sketch from French sources.—A. DESCLOZEAUX: *Critical remarks on the 'Economies Royales,'* III: The war with Savoy; concluded.

Revue des Questions Historiques, liv. 1. *July*—C. HUYGHE: *The chronology of the books of Ezra and Nehemiah* [controverting Hoonacker's theory that the former deals with Ezra's return to Jerusalem not in 458 B.C. under Artaxerxes I, but in 398 under Artaxerxes II].—H. DELEHAYE: *The life of St. Paul the Younger* [†956; the life written *c.* 975] *and the date of Symeon Metaphrastes* [not settled by the notices in Psellus, but probably belonging to the second half of the tenth century. The writer holds that there is no argument to support the attribution to Metaphrastes of the life of St. Paul the Younger].—A. DE BOISLISLE: *Paul Scarron and François d'Aubigné* [dealing with the birth and childhood of the future marquise de Maintenon, the family of Scarron, &c.], first article [down to their marriage in 1652].—V. FOURNEL: *Fabre d'Eglantine, the dramatist* [put to death with Danton, 5 April 1794].—C. DE SMEDT: *Brune's 'Ordre hospitalier du Saint-Esprit.'*—T. DE PUYMAIGRE: *Tocqueville's 'Souvenirs.'*—R. LAMBELIN: *The return from Elba* [discussing recent works on the subject].

Société de l'Histoire du Protestantisme Français. Bulletin historique et littéraire. **xlii. 5.** *May*—C. READ: *Lafayette and Washington in relation to the French protestants* [1785–1787, dealing with some of the antecedents of the edict of toleration].—N. WEISS: *The trial and condemnation of Antoine Augereau, the printer of Margaret of Angoulême's 'Miroir de l'âme pécheresse'* [1534].—H. TOLLIN: *The foundation of the reformed church at Celle in Brunswick-Lüneburg* [1686–1699].—C. READ: *Dr. Jean de Rostagny and his squibs against the protestants* [1685], third article; concluded.===**6.** *June*—E. RITTER: *Didier Rousseau* [1550–1581], an ancestor of Jean-Jacques.—S. DE MERVAL & E. LESENS: *Jacques Moisant de Brieux* [1611–1674], the founder of the academy at Caen.—F. TEISSIER prints *depositions relative to alleged stores of arms held by the protestants* [1755].—M. DE RICHEMOND describes *documents* [1559–1697] *preserved among the archives of the French reformed churches at La Rochelle.*=== **7, 8.** *July, August*—C. READ: *Bernard Palissy.*—Papers concerning the *history of the protestants at Saintes and Royan*, in connexion with the annual meeting of the society.

II. GERMANY AND AUSTRIA

Bayerische Akademie der Wissenschaften (Munich). Abhandlungen der historischen Classe. **xx. 2.**—C. A. CORNELIUS: *The foundation of the Calvinistic ecclesiastical organisation in Geneva* [1541].—The late A. VON DRUFFEL: *The mission of cardinal Sfondrato to the court of Charles V* [1547–1548]. I: The breach between Charles V and Paul III; Sfondrato's first proceedings and the agreement of Perugia [with five documents].—F. STIEVE: *Letters of the house of Wittelsbach* [1590–1610]. VI [printing fifty-two letters, 1595–1606, with other documents and an index].

Sitzungsberichte der philos. - philol. und hist. Classe. **1893.1.**—F. von Reber: *The portraits in the ducal Bavarian cabinet* according to Fickler's inventory [1598].——**2.**—A. Dove: *On the history of the name 'Deutsch'* [tracing the use of the word 'Theodiska' to the influence of St. Boniface, and examining the extension of its application from the speech to the race].——E. L. B. von Oefele: *Royal and imperial charters of the church of Eichstädt* [828–1055, recently brought to light in the Bavarian archives].

Byzantinische Zeitschrift (Leipzig), **ii. 1.**—C. de Boor: *Roman imperial history in a Byzantine shape*, continued from vol. i. 1; second article [examining the relations of the forms in which the same narratives appear in Georgius Monachus, Georgius Cedrenus, and Leo Grammaticus. Of Georgius Monachus there exist two chief recensions, an uninterpolated text in the codices Coisliniani and an interpolated text in the Vatican MS. 153 and the Vienna MS. Gr. 40. The writer contends that Cedrenus and Leo Grammaticus used the former text but not the latter; and on the other hand that they had before them the actual sources from which those interpolations were derived].——H. Gelzer: *Unpublished and little known lists of bishops of the eastern church*, second article.——J. B. Bury: *Notes on the text of Anna Comnena.*——J. Dräseke: *The monastery of St. Dionysius on Mount Athos* [giving an account of a modern Greek history of Athos by one of the monks, Manuel J. Gedeon, published at Constantinople in 1885, which is full of information with regard to the earliest foundations of monasteries there].——A. Riegl: *On the importance of a study of Coptic art* [and the rich materials for such a study afforded by the old Coptic textile fabrics in our museums].——H. Braun: *On the text of Procopius.*——**2.**—H. von Lingenthal: *Contributions to the history of Byzantine deeds.*——G. Schlumberger: *The bas relief of the Campo Angaran at Venice* representing a Byzantine emperor of the tenth century [a round medallion, measuring a mètre across, built into a wall], with a photograph.——C. de Boor: *Roman imperial history in a Byzantine shape*, third article [on the relation of the Salmasian excerpta to the Σύνοψις χρονική of Constantine Manasses].——P. N. Papageorgios: *On the life of St. David of Thessalonica.*

Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **ix. 2.**—C. A. Cornelius: *Calvin's visit to the duchess Renata of Ferrara* [1536].——A. Schaube: *The beginnings of the office of consul of the sea* [arguing against H. von Kap-heer's theory of its Byzantin origin and denying the genuineness of the Trani statute of 1063 (probably dating from 1453); tracing back the two 'consules maris,' the controllers of the 'decatia' or office of customs, at Pisa to 1184; and suggesting that the 'consules introitus maris' at Genoa were derived from the Pisan institution]: with a reply by H. von Kap-heer.——P. Karge: *The Hungarian policy of the emperors Frederick III and Maximilian I and their relation to Moscow* [1485–1506].——W. Bröcking: *On the French policy of Leo IX* [criticising Brucker's views in his 'L'Alsace et la France au temps du pape Saint Léon IX'].——H. Herre: *Hermann Korner's origin and university life* [tracing him from Lübeck and holding that as he graduated at Leipzig in 1432 he cannot be the Korner who matriculated there in 1420].——R. Koser prints a *despatch of the French ambassador, Tyrconnell, to the marquis de Puyzieulx* [Berlin, 29 Sept. 1750], and a '*portrait des principaux ministres des cours du nord et de l'Allemagne*' sent to the duke de Nivernais in 1755.——E. Dümmler & E. Krüger dispute concerning the *Carolingian descent of Henry I* [the Saxon].——O. Masslow & G. Sommerfeldt: *Bibliography of German history* [from 1648].

Göttingische Gelehrte Anzeigen, 1893. 13. 20 *June*—G. Kawerau: *Albert's 'Matthias Döring.'*——W. Oechsli: *Schweizer's 'Geschichte der schweizerischen Neutralität,'* i.——F. Keutgen: *Gothein's 'Wirtschaftsgeschichte des Schwarzwaldes.'*——**16.** 1 *Aug.*—F. Frensdorff: '*Die Chroniken der schwäbischen Städte*'; Augsburg,' iii.——**17.** 15 *Aug.*—K. Schaube: *Köhne's 'Hansgrafenamt.'*

Historisches Jahrbuch der Görres-Gesellschaft (Munich), **xiv. 3.**—F. X. von Funk: *The papal confirmation of the first eight general synods* [giving reasons for denying that the pope formally confirmed the acts of any one of them].——N. Paulus: *Dr. Konrad Braun*, a Roman catholic lawyer of the sixteenth century [1491–1563].——J. Uebinger prints a brief *autobiography of Nicolaus Cusanus* [drawn up in 1449, when he was made a cardinal] and his *will* [1464].——Dr. Sägmüller: *On the authorship of the tract 'De modis uniendi ac reformandi ecclesiam'* [printed by H. von der Hardt, 'Concil. Constant.' i. pt. v. 68 ff. The writer follows Schwab and Hartwig in believing the work to be not by Jean Gerson (as Hardt and Ellies du Pin held) nor by Dietrich von Niem (as Lenz and Finke), (but by Andreas of Escobar, otherwise known as Andreas of Randuph, a Benedictine abbat and professor at Bo-

logna, the author of the 'Gubernaculum conciliorum' (Hardt, vi. pt. iv. 139 ff.)] ——J. P. Kirsch describes a Barberini manuscript containing a *register of notes and one of supplications made by the English proctor, Andreas Sapiti, a Florentine, at the papal court under John XXII and Benedict XII*, printing documents from it relating to Irish affairs [1325, &c.] and Edward III's letter to the pope asking release from his renunciation of his claim to Scotland [no date is suggested; but the document must belong to 1333 or the beginning of 1334].——K. Eubel: *On the manuscripts of the chronicle ascribed to Jordanus of Osnabrück* [really by Paulinus, bishop of Pozzuoli, concerning whom biographical notices are here collected from the Vatican archives].——J. Weiss prints the *proposals for mediation between Sweden and Denmark presented by Meadow on behalf of Cromwell to the king of Denmark* [13 Sept. 1651] [The king's reply to this letter is printed in Thurloe's 'State Papers,' vi. 515].

Historische Zeitschrift (Munich), **lxx. 3.**—P. Kehr: *The so-called Carolingian donation* [contending that the account in the 'Vita Hadriani,' the diplomatic correctness of which is insisted upon, is genuine and uninterpolated, and that the delimitation of boundaries there given indicates a partition of the old Lombard kingdom between Charles and the pope, naming the north line of the territories promised to the latter and securing to him besides not only the Exarchate with Venetia and Istria, but also the duchies of Spoleto and Benevento].——K. Hegel replies to criticisms by O. Gierke and M. Pappenheim of his '*Städte und Gilden der germanischen Völker*.'——P. B. prints *letters of Jean Debry* [23 and 27 July 1800] *with a memorial to Napoleon* [relating to his conduct during the congress of Rastatt].——F. Meinecke prints *two letters of Friedrich von Roeder to count Götzen* [24 April and 3 May 1809, relalative to the abandonment of the proposed surprise of Glogau].

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xiv. 3.**—B. Krusch: *Two lives of saints by Jonas of Susa*. I: The life of St. John of Reomaus [printing the text]; II: The older life of St. Vedast [in connexion with the Alaman war and the baptism of Chlodovech].——A. Dopsch: *Contributions to the history of the financial administration of Austria in the thirteenth century*.——F. Philippi: *J. F. Falke's Corvey forgeries* [giving specimens].——J. Ficker: *On the question of the origin of the Transylvanian Saxons* [noting correspondence in their rules of inheritance with those of Flanders and Frisia.——R. F. Kaindl: *On cardinal Fillastre's diary of the council of Constance* [supporting H. Finke's attribution of its authorship].

Nachrichten von der Königlichen Gesellschaft der Wissenschaften, zu Göttingen. 1893. 11. *July* — J. Wellhausen: *Marriage among the Arabs*.

Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde (Hanover), **xviii. 2.**—E. Seckel: *On the acts of the council of Tribur* [895, printing a text of the canons from a previously unknown manuscript at Châlons-sur-Marne, which he considers to represent one of the two sources from which Regino drew his copy, apparently a semi-official recension of the authentic acts shortened and simplified, perhaps by Hatto of Mainz].——V. Krause continues the discussion of the same subject [maintaining that the Châlons manuscript offers but a private unofficial collection of heterogeneous elements grouped together under the name of canons of Tribur].——S. Bäumer: *On the authorship of the 'Micrologus de ecclesiasticis observationibus'* (Migne, Patrol. Lat. cli.) [claiming it not for Ivo of Chartres but for Bernold of Constance who died in 1100].——J. Dieterich: *Paulinzell documents and the 'Vita Paulinae' of Sigeboto* [arguing that P. Mitzschke's alterations in the chronology of the latter are founded upon documents which were forged by C. F. Paullini, a catalogue of whose forgeries, in his copy of the 'Annales Cellae Paullinae,' and their sources is given; with further criticism of Mitzschke's statements].——W. Wattenbach describes 'a *late thirteenth-century manuscript at Rheims* [including Latin verses, some of which are here printed].——B. Bretholz: *The subscriptions in the Gallican councils of the sixth and seventh centuries*.——B. Krusch describes his researches in French libraries for *manuscripts of lives of Merovingian saints* [with notices of their contents, and extracts. Two hitherto unpublished portions of the earliest life of St. Praejectus are printed in full].——W. Gundlach: *On some disputed pieces in the Epistolae Langobardicae collectae* [particularly the letters of Gregory II (or III) to doge Ursus of Venice and the patriarch Antoninus of Grado].——E. Sackur: *The letters of Godfrey of Viterbo* [describing a rediscovered manuscript thereof in the Vatican Cod. Reg. l. 59, and its contents, of importance for the chronology of Godfrey's life].——W. Hauthaler prints *historical notices from a Seckau breviary* [finished in 1388; now at Salzburg].

——E. Steindorff prints a *charter of Charles IV to count Walram of Spanheim* [1361].——J. Seemüller: *Reichart Strein's quotations from Ottokar's Reimchronik* [made in 1595].——W. Altmann: *On Eberhart Windecke* [finding evidence for the existence of a (lost) 'Sigismund-Buch' distinct from the chronicle of his time].——P. Joachimsohn prints *satirical verses on the supporters of the policy of neutrality at the council of Basel* [1444–1446].

Neues Archiv für Sächsische Geschichte und Altertumskunde (Dresden), **xiv. 1, 2.**—B. Stübel: *The early history of the university of Leipzig* [1409–1555].——P. Vetter: *The mission of Matthias von Wallenrod from the electoral court to France* [1540].——G. Wolf: *The elector Augustus and the beginnings of the revolt in the Netherlands* [to 1568].——A. von Welck: *Swiss mercenaries in the electoral service* [1701–1815].——H. A. Lier: *Obituary notice of Richard Steche* [† 3 January].——M. von Ehrenthal: *The marshal's staff of the elector Augustus* [with a note on his costume at the diet of Augsburg, 1566].——E. Heydenreich: *On the history of the gymnasium at Freiberg in the eighteenth century.*

Theologische Quartalschrift (Tübingen). **lxxv. 3.**—Dr. Belser: *The date of composition of the synoptic Gospels and of the Acts of the Apostles.*——Dr. Merkle: *The synod of Toledo of* 447 *and the clause 'Filioque'* [misplaced among the acts of the synod of 400].——P. Keppler: *The site of Gethsemane.*——F. X. von Funk: *On the Acts of St. Ignatius* [maintaining anew their spuriousness].

Theologische Studien und Kritiken (Gotha). **1893. 4.**—F. Görres: *Church and state in the West Gothic kingdom from Euric to Leovigild* [466–567-9].——D. Pulvermacher prints *three letters of Sebastian Münster* [1539–1547].

Zeitschrift für Katholische Theologie (Innsbruck), **xvii. 3.**—J. Svoboda: *The diet of Prague in* 1575. I: The ecclesiastical parties and their plans. II: The Bohemian confession and Maximilian II.——J. Fischer: *Döllinger's 'Kaiserthum Karls des Grossen'* [pointing out errors].

Zeitschrift der Deutschen Morgenländischen Gesellschaft (Leipzig), **xlvii. 1.**—T. Nöldeke: *Notes on the Aramaic inscriptions of Sendscherli.*——M. J. de Goeje: *On the imâm As-Sâfi.*——R. G. Bhandarkar: *The history of child-marriage.*

III. GREAT BRITAIN AND IRELAND

Archæological Journal, No. 195.—F. Haverfield: *Some notable Romano-British inscriptions* [at Colchester and Chester, a milestone of Victorinus, the 'matres ollototae' at Binchester, the 'patera' of Barochan].——Bunnell Lewis: *The antiquities of Pola and Aquileia.*——E. Venables: *On a Roman villa discovered in the Greetwell Fields near Lincoln.*——The bishop of Peterborough: *The fenland* [on its historic characteristics].——E. Peacock: *Borough English.*——J. A. Goтch: *Audley End.*——**196.**—J. T. Micklethwaite: *On the indoor games of schoolboys in the middle ages.*——J. C. Cox: *Field names and their value,* with a proposal for their systematic investigation.——B. Lewis: *Pola and Aquileia,* continued.

Church Quarterly Review, No. 72. *July*—*Dorothy Sidney* ['Sacharissa'].——*St. Paul in Asia Minor* [in connexion with W. M. Ramsay's 'The Church and the Roman Empire'].——*The 'Gospel of Peter.'*——*John Keble.*——*The beginnings of congregationalism.*

Dublin Review, New Series, **No. 7.** *July*—C. Butler: *Bishop Lightfoot and the early Roman see.*——Miss F. Peacock: *Early English crosses.*——H. Lucas: *The early Gallican liturgy,* first article.——Miss J. M. Stone: *Queen Elizabeth's intrigues with the Huguenots* [1558–1563].——L. Rivington: *The primitive saints and the see of Rome.*

Edinburgh Review, No. 365. *July*—*The Tell Amarna tablets.*——*The Isle of Man* [its government and history].——*The Caesars of the Julian and Claudian houses* [in connexion with S. Baring Gould's 'Tragedy of the Caesars'].——*Sir Henry Maine as a jurist.*——*The empress Catherine II* [on K. Waliszewski's work].

Jewish Quarterly Review, No. 20. *July*—M. Adler: *The emperor Julian and the Jews.*——A. Neubauer: *The Jews in Poland.*

Law Quarterly Review, No. 35. *July*—F. W. Maitland: *The survival of archaic communities.* II: The Aston case [throwing doubt on the antiquity of the system apparently peculiar to this hamlet of Bampton-in-the-Bush, Oxon.; pointing out the scanty evidence for the existence anywhere of a 'township-moot,' the only known instances being at Wenlock and Chertsey; suggesting that it was chiefly within the cities and boroughs that such an assembly was to be found, except where

a manorial court bore that name; arguing that the 'vestry' has no original connexion with the township, but only with the parish; and examining the peculiar tenancy of the warden of the Fleet].——M. J. Farrelly: *The basis of private international law.*——Sir F. Pollock: *Archaism in modern law.*

Quarterly Review, No. 353. *July*—*The discovery of America.*——*The life of Robert Lowe, viscount Sherbrooke.*——*The battle of Hastings* [chiefly in criticism of T. A. Archer's article in the 'Contemporary Review' for March].——*The privy council under the Tudors.*——*The fall of the Ancien Régime.*——*Political spies* [in the eighteenth and nineteenth centuries].

Scottish Review, No. 43. *July*—T. G. Law: *The Spanish blanks and Roman catholic earls* [1592–1594, discussing the conduct of James VI with regard to the intrigues with Spain, carried on, by means chiefly of Jesuit fathers, for an invasion of England; and arguing from a paper drawn up by the king in the latter year ('Calendar of Manuscripts of the Marquis of Salisbury,' iv. 214) that his object was in no sense the restoration of Roman catholicism in Scotland, but the securing of the crown of England].——J. R. Macdonald: *Andrew Fletcher of Saltoun* [1653–1716].——J. Beddoe: *The anthropological history of Europe*, continued.——J. Fergusson: *Galloway and her feudal sheriffs* [on sir A. Agnew's book].

IV. ITALY

Archivio Storico Italiano (Florence), **5th Series. xi. 2.**—C. Desimoni: *The fourteenth century map of the Holy Land* in the Florentine archives [compared with those of Marino Sanuto and Pietro Visconte, *c.* 1320].——G. Papaleoni prints *accounts of the charges of executions at Trent* under bishop Giovanni IV [1466–1486].——C. Paoli & E. Casanova: *Cosimo I de' Medici and the outlaws of* 1537 [printing despatches from the envoys of the republic of Siena, January 1537–April 1538].——D. Marzi: *The question of the reform of the calendar in the fifth Lateran council* [1513–1517].——F. Dini: *The Gianni-Mannucci (formerly Leonetti) muniments*, now in the Florentine archives.——D. Cantelacci prints *three land-charters of the fourteenth century* [illustrating modes of tenure and cultivation (*mezzeria*)].——L. Staffetti prints a *letter of Francesco Guicciardini* in praise of Bologna [1534].——D. Castelli prints a *brief of Clement VII* [1524, confirming the ordinances of the Jews at Rome].

Archivio Storico Lombardo (Milan), **xx. 2.** *June*—L. Gaddi: *Calendar of documents illustrating the history of legislation relating to trade, and of industrial and commercial activity, in Lombardy*; first article [1068–1398].——L. A. Ferrai prints a *fragmentary poem*, '*Vicecomitum et Turrianorum Bella duce Maphaeo Vicecomite et natis*,' *by Pace dal Friuli* [written 1302–1304].——L. Frati: *The conspiracy against Giovanni da Oleggio at Bologna* [1356], with two documents.——M. Borsa: *Pier Candido Decembri and the history of humanism in Lombardy*, second article [printing twenty-one letters and poems].——G. Carotti: *Antiquities added to the archæological museum at Milan in* 1892.

Archivio Storico per le Province Napoletane, xviii. 2.—E. Nunziante: *The first years of Ferdinand of Aragon and the invasion of John of Anjou*, fifth article [August 1458–January 1459].——M. Schipa: *The duchy of Naples*, sixth article [898–968].——E. Cocchia: *The scene of the banquet in the 'Satyricon' of Petronius Arbiter* [placing it at Naples].——B. Capasso: *The topography of Naples in the eleventh century*; sixth article: The suburbs, concluded.——A. Sambon describes *unpublished coins of Charles III of Durazzo and a gold stater of Posidonia.*——N. Arnone: *The royal tombs in the cathedral of Cosenza.*

Archivio Storico Siciliano (Palermo). New Series, **xviii. 1.**—M. di Martino: *The defeat of the Athenians at the Assinaros* [identifying the river with the Laufi].——R. Starrabba: *The charters of foundation of the cathedral churches in Sicily* [Troina, Messina, Girgenti, Mazzara, Syracuse, Catania, 1082–1093: all, except that for Syracuse, preserved only in sixteenth-century copies and of doubtful authenticity], with remarks on the 'Liber praelatiarum huius Siciliae regni' and the 'Liber regiae monarchiae' [in which they are found].——G. M. Columba: *On the history of the Chalcidian colonies in the west.*——S. Salomone-Marino: *Arenaprimo's 'La Sicilia nella battaglia di Lepanto.'*

Bullettino dell' Istituto Storico Italiano (Rome), **xiii.**—A. Tenneroni describes an *unknown abridgement of Giovanni Villani's chronicle* [in a Manzoni manuscript written by Domenico di Giovanni del Terosi, a Florentine shoemaker, *c.* 1400].——G. Monticolo: *On the earliest capitularies of the Arts at Venice* [1219–1330], a dissertation preliminary to an edition of them.——C.

MERKEL prints with notes *three Milanese inventories* [of household goods] *of the fifteenth century.*

Nuovo Archivio Veneto, v. 2.—G. COGO: *The career of Brunoro della Scala* [his connexion with Sigismund and the Hungarian invasion of the Veneto in 1411 and attempt to recover Verona].——C. GHIDIGLIA: *The Banco Giro of Venice.*——J. RAULICH: *On the date of the acquisition of Vicenza.*——V. ROSSI: *The poem of J. d'Albizzotto Guidi upon Venice and her territory* [a rhyming guide in 4800 lines written by a Florentine settler (1442) in gratitude for Venetian hospitality].——A. MEDIN prints and illustrates a *Latin poem by Fra Antonio of Padua* [written after the Turkish invasion of the Friuli in 1472].——G. PAPALEONI: *The adventures of Achille di Lodrone* [great-grandson of Colleoni] and his death at the hands of the people of Bagolino [1554].——E. CELANI: *Chapters from the manuscript history of the Frangipani by Panvino* [relating to their descendants, the Venetian Micheli].——C. CASTELLANI *A letter of Pinelli to Pierre Dupuy* [1575], *and of Scaliger to Pinelli* [1601].

V. RUSSIA

(Communicated by W. R. MORFILL)

Istoricheski Viestnik.—*June*—N. OGLOBLIN: *The invasion* [illustrating life in South Russia at the close of the eighteenth century from the Moscow archives].——D. EVARNITSKI: *Old Cossack churches.*——K. GAZENWINKEL: *D. Chicherin the governor of Siberia.*——*July*—S. BRAILOVSKI: *The hetman Kupchinski* [illustrating the reign of the empress Anne].——A. PETROV: *Charles XII and Peter the Great.*——N. SHIRAYEV: *Historical monuments at Tsarskoe Selo.*——*August*—V. TEPLOV: *Count John Capodistria, the first president of Greece.*——D. KORSAKOV: *The memoirs of count Münich.*

Russkaia Starina.—*June*—V. BILBASOV: *Catherine II and Grimm*, III.——T. YELENEV: *Finland* [in answer to the works of Danielson and Mechelin].——General TODLEBEN: *The emigration of the Tatars from the Crimea in* 1860.——*June-July*—M. OLSHEVSKI: *The Caucasus from* 1841 to 1866, chaps. i.–iii.——*July*—G. SÜNNERBERG: *Extracts from the memoirs of John Albert Erenström* [important as illustrating the relations between Gustavus III and Russia].——V. KULIN: *Extracts from the papers of an old inhabitant of Vilna* [illustrating the insurrection of 1861].——*August*—F. VITBERG: *Contemporary foreign opinions on the great northern war* [between Charles XII and Peter the Great; extracts from contemporary letters].——N. SCHILDER: *Memoirs of A. Mikhailovski-Danilevski in the year* 1829 [continued; an account of the Turkish campaign].——*Correspondence between count Nesselrode and the emperor Nicholas.*

Zhurnal Ministerstva Narodnago Prosviestchenia.—*June*—M. DIAKONOV: *Contributions to the history of serfdom* [a review of the various opinions on its origin].——S. BRAILOVSKI: *Contributions to the biography of Theophan Prokopovich* [one of Peter the Great's fellow-workers].——*July*—G. FORSTEN: *The Baltic question in the sixteenth and seventeenth centuries*, continued.——T. LEONTIEV: *Sketches of the history of Lithuano-Russian law*, continued.——L. TALLOCZI: *The history of north-eastern Europe and the latest Hungarian historians* [chiefly dealing with Transylvania and George Rakoczi].——*August*—Prince IMERETINSKI: *The nobility of the government of Volhynia.*

VI. SPAIN

Boletin de la Real Academia de la Historia, xxii. 5. *May*—C. P. PASTOR: *Documents relating to the royal chroniclers, Sepúlveda, Oviedo, Busto, and Mejia.*——F. FITA: *Two letters of Ignatius Loyola.*——F. FITA: *Documents containing the proofs of the noble birth of St. Francis Xavier.*——**6.** *June*—A. M. FABIÉ: *The duchess of Alva's 'Autógrafos de Cristóbal Colon y papeles de América'* [a polemical article].——F. FITA: *Documents containing the proofs of the noble birth of St. Francis Xavier*, continued.

VII. SWITZERLAND

Anzeiger für Schweizerische Geschichte (Bern), **1893. 3.**—Dr. WANNER: *On certain names on a road marked in Peutinger's Table between Windisch and Rottweil.*——H. ZELLER-WERDMÜLLER: *Notes on the pedigree of the*

INDEX

TO

THE EIGHTH VOLUME

ARTICLES, NOTES, AND DOCUMENTS

ANGLO-NORMAN Record Society, The, 816

Anglo-Saxon Law: by Sir F. Pollock, Bart., LL.D., 239

Anne, Princess, The flight of: by J. R. Tanner, 740

Aragon, Upper, The house community in: by the Rev. W. Webster, 742

BOLEYN, Mary and Anne: by J. Gairdner, 53, 299

Bull, The, *Laudabiliter*: by Miss K. Norgate, 18

CHARTER of liberties, An unknown: by J. H. Round, 288

Charter roll, History from the: by Professor Maitland, LL.D., 726

Cistercians, The settlement of the, in England: by Miss A. M. Cooke, 625

Cistercian students at Oxford in the thirteenth century: by A. G. Little, 83

Copyholders, The security of, in the fifteenth and sixteenth centuries: by I. S. Leadam, 684

— *See also* Villein tenure

Crichton, Father William, S.J.: by T. G. Law, 697

Cromwell and the expulsion of the long parliament [1653]: by C. H. Firth, 526

DOMINICAN order, Provincial priors of the, in England: by A. G. Little, 519

EXECUTION, Legal, and land tenure: by Professor Jenks, 417

FOLKLAND: by Professor Vinogradoff, 1

GINDELY, Anton: by Principal Ward Litt. D., 500

Guaras, Antonio de, Letter from, to the Irish rebels [1573]: edited by R. Garnett, LL.D., 91

HENRY I, a charter of [1123]: by J. H. Round, 80

Hughes, John Royden, Letters of, [1743–1749]: communicated by the Rev. Prebendary J. R. Hughes, 307

Hyde, Sir Edward, Draft of a declaration to be issued by Charles II in 1649: printed by the Editor, 300

IRELAND. *See* Bull, Guaras

JALALABAD, the defence of [1842]: by Major W. Broadfoot, 93

James II, Naval preparations of, in 1688: by J. R. Tanner, 272

LALLY'S visit to England in 1745: by F. Dixon, 284

NAPOLEON and English commerce: by J. H. Rose, 704

Navy, The royal, under Charles I: by M. Oppenheim, 467

Navy Record Society, The, 608

Nigel, bishop of Ely: by J. H. Round, 515

OTTOMAN Porte, The, and the Spanish armada: by E. Pears, 439

Oxford, Cistercian students at, in the thirteenth century: by A. G. Little, 83

PARLIAMENT, Long, The expulsion of the: by C. H. Firth, 526

Parliament, Member of: by the Editor, 525

Penitentiary, the papal, The taxes of the: by H. C. Lea, LL.D., 424

Shirley's, Sir Thomas, case and the parliamentary privilege of freedom from arrest [1604]: by G. W. Prothero, 733

Spanish armada, The, and the Ottoman Porte: by E. Pears, 439

Stratford, Archbishop, Sermons probably by: edited by the Rev. W. D. Macray, 85

Villars: by his honour Judge W. O'C. Morris, 61

Villein tenure, The character of: by Professor Ashley, 294

—— *See also* Copyholders

Wace and his authorities: by J. H. Round, 677

Warham's, Archbishop, abortive council [1518]: by the Rev. N. Pocock, 297

Zenon, The emperor, and the Isaurians: by E. W. Brooks, 209

LIST OF REVIEWS OF BOOKS

Abbott (E.) *A history of Greece*, ii.: by J. W. Headlam, 744

Abingdon abbey, Accounts of the obedientiars of; edited by R. E. Kirk: by the Rev. T. S. Holmes, 767

Adams (H.) *History of the United States* [1801–1817]: by J. A. Doyle, 802

Aitken (G. A.) *The life and works of John Arbuthnot*, 192

Allies (Mary H.) *History of the church in England*, 186

Andrews (C. McL.) *The old English manor*: by Professor Vinogradoff, 540

Anjou, le duc d', et les Pays-Bas, Documents concernant les relations entre, ii. iii.; edited by P. L. Muller and A. Diegerick: by E. Armstrong, 360

Anson (Sir W. R.) *The law and custom of the constitution*: by G. W. Prothero, 169

Armstrong (E.) *Elisabeth Farnese*: by Principal Ward, Litt. D., 162

Ashley (W. J.) *On the study of economic history*: by Professor Gonner, 599

Aulard (F. A.) *La culte de la raison et de l'Être suprême*: by H. A. L. Fisher, 798

— *Études et leçons sur la révolution française*: by H. A. L. Fisher, 798

Baddeley (St. C.) *Queen Joanna I of Naples*, 398

Baden-Powell (B. H.) *The land systems of British India*: by Professor Montague, 391

Bayonne.—Livre des établissements, 186

Below (G. von) *Der Ursprung der deutschen Städteverfassung*: by F. Keutgen, 550

Biography, dictionary of national xxix–xxxiii.; edited by S. Lee, 181

Bloch (H.) *Forschungen zur Politik Kaisers Heinrich VI in der Jahren* 1191–1194; by Professor Tout, 334

Boissier (G.) *La fin du paganisme*: by Miss A. Gardner, 114

Boucher de Molandon (M.) and Beaucorps (Baron A. de) *L'armée anglaise vaincue par Jeanne d'Arc sous les murs d' Orléans*: by J. Gairdner, 769

Bourinot (J. G.) *Historical and descriptive account of the island of Cape Breton*: by C. P. Lucas, 596

Bourne (H. R. F.) *Sir Philip Sidney*: by Mrs. R. L. Poole, 363

Brandstetter (J. L.) *Repertorium über Aufsätze und Mitteilungen schweizergeschichtlichen Inhaltes*: by the Rev. W. A. B. Coolidge, 806

Braunsberger (O.) *Entstehung der Katechismen des seligen Petrus Canisius*, 604

Bridgett (T. E.) *The wit and wisdom of blessed Thomas More*, 401

Brooke (S. A.) *The history of early English literature*: by F. Y. Powell, 806

Brown (H. F.) *Venice, an historical sketch of the republic*: by Professor Tout, 751

Browning (O.) *The flight to Varennes*, 188

Brugmans (H.) *Engeland en de Nederlanden* [1558–1567]: by the Rev. G. Edmundson, 358

Bubnov (N.) *Sbornik pisem Gerberta*

kak istoricheskii istochnik, i., ii.: by O. Wardrop, 321
Busch (W.) *England unter den Tudors*, i.: by J. Gairdner, 351
Busolt (G.) *Die griechischen Staats- und Rechtsalterthümer*, 2nd. ed.: by P. Giles, 535

CAMBRIDGE, *Admissions to the College of St. John the Evangelist*; edited by J. E. B. Mayor, ii., 816
Carlyle (T.) *The battles of Frederick the Great*, selected by C. Ransome, 813
Cartellieri (A.) *Philipp II August von Frankreich bis zum Tode seines Vaters*: by Professor Tout, 334
Chartes des libertés anglaises; edited by C. Bémont: by G. W. Prothero, 548
Chronicles, Two of the Saxon, parallel, edited by C. Plummer, i.: by Professor Ker, 326
Chroust (A.) *Tageno, Ansbert, und die 'Historia Peregrinorum,'* 184
Claretta (G.) *Il duca di Savoia, Emanuele Filiberto, e la corte di Londra* [1554-1555]: by Major M. A. S. Hume, 149
Clark (A.) *The life and times of Anthony Wood*, ii.: by C. H. Firth, 782
Close rolls, Calendar of the; Edward II [1307-1313]: by Professor Tout, 135
Committee for compounding [1643-1660], *Calendar of the proceedings of the*; edited by Mrs. M. A. E. Green, iv., v., 329
Conway (M.D.) *The life of Thomas Paine*: by Professor Gonner, 796
Cook (Captain) *Journal during his first voyage round the world* [1768-1771]; edited by W. J. L. Wharton: by Professor Laughton, 794
Cosnac (Comte de) *Mazarin et Colbert*: by H. O. Wakeman, 781

Dermot and the earl, The song of; edited by G. H. Orpen: by F. Liebermann, 129
Dierauer (J.) *Geschichte der schweizerischen Eidgenossenschaft*, ii., 191
Documents, Select historical, of the middle ages; translated by E. F. Henderson, 602
resdner (A.) *Kultur- und Sittengeschichte der italienischen Geistlichkeit im 10. und 11. Jahrhundert*: by R. L. Poole, 127
Droysen (J. G.) *Outlines of the principles of history* (English translation), 815
Duhr (B.) *Pombal*: by R. Lodge, 367
Dutt (R. C.) *Ancient India*, 812

Epistolae, sex quam elegantissimae; edited by G. Bullen, 398

FABRE (P.) *Étude sur le Liber Censuum de l'église romaine*: by Miss M. Bateson, 756
Fitzpatrick (W. J.) *Secret service under Pitt*: by R. Dunlop, 605
Ffoulkes (E. S.) *A history of the church of St. Mary the Virgin, Oxford*, 603
Fishwick (H.) *History of the parish of St. Michael's-on-Wyre*: by J. Tait, 144
Fiske (J.) *The American revolution*: by J. A. Doyle, 164
Fowler (T.) *The history of Corpus Christi College, Oxford*: by the Rev. H. Rashdall, 568
Fowler (W. W.) *Julius Caesar*: by W. T. Arnold, 745
Fratrum minorum, Provinciale ordinis; edited by C. Eubel: by A. G. Little, 765
Freeman (E. A.) *Historical essays*; 4th series: by G. W. Prothero, 384

GARDNER (P.) *New chapters in Greek history*: by P. Giles, 109
Gilbert (G.) *Handbuch der griechischen Staatsalterthümer*, i., 2nd ed.: by P. Giles, 535
Glynne (Sir S. R.) *Notes on the churches of Lancashire*, 814
Goetz (W.) *Maximilians II Wahl zum römischen Könige* [1562]: by E. Armstrong, 357
Graetz (H.) *History of the Jews* (English translation.) iii.-v.: by A. Neubauer, 118
Green (J. R.) *Short history of England* (illustrated edition), ii., 401
Gross (C.) *The early history of the office of coroner*: by Professor Maitland, LL.D., 758
Guillaume le Maréchal, L'histoire de; edited by P. Meyer, i.: by F. Y. Powell, 760

Gummere (F. B.) *Germanic origins*: by H. W. Blunt, 808

Harnack (A.) *Grundriss der Dogmengeschichte*, ii., 400
Hart (A. B.) *Formation of the union* [1750–1829], 813
Hartmann (L. M.) *Urkunde einer römischen Gärtnergenossenschaft* [1030], 184
Hartmann (O.) *Der Antheil der Russen am Feldzug von* 1799 *in der Schweiz*, 188
Hauser (H.) *François de la Noue* [1531–1591]: by E. Armstrong, 574
Headlam (A. C.) *Ecclesiastical sites in Isauria*, 812
Hegel (K.) *Städte und Gilden der germanischen Völker*: by F. Keutgen, 120
Helmolt (H. F.) *König Ruprechts Zug nach Italien*, 813
Henry VIII, Letters and papers of the reign of, xiii., 1; arranged by J. Gairdner: by the Rev. N. Pocock, 569
Hermann (K. F.) *Lehrbuch der griechischen Staatsalterthümer*; edited by V. Thumser, i., ii.: by P Giles, 535
Hooper (G.) *Abraham Fabert*: by H. O. Wakeman, 577
Howell (J.) *Letters*; edited by J. Jacobs: by G. F. Warner, 156
Huberti (L.) *Studien zur Rechtsgeschichte der Gottesfrieden und Landfrieden*, i.: by Professor Maitland, LL.D., 328

Ibarra y Rodriguez (E.) *Don Fernando el católico y el descubrimiento de America*: by Major M. A. S. Hume, 145
Inderwick (F. A.) *The story of King Edward and New Winchelsea*: by Professor Burrows, 135
Ireland, Documents relating to [1795–1804]; edited by J. T. Gilbert: by R. Dunlop, 801

Jackson (T. G.) *Wadham College, Oxford*: by R. L. Poole, 778
Jacqueton (G.) *La politique extérieure de Louise de Savoie* [1525–1526]: by J. Gairdner, 772
Jameson (J. F.) *The history of historical writing in America*: by J. A. Doyle, 177
Jarras (général) *Souvenirs*, 190
Johansen (J. C.) *Kong Jørgen Jørgensen*, 815
Judenverfolgungen während der Kreuzzüge, Hebräische Berichte über; edited by A. Neubauer and M. Stern: by the Rev. J. P. Whitney, 543

Kihn (H.) *Encyklopädie und Methodologie der Theologie*, 190
Kindt (Æ. R.) *Gründe der Gefangenschaft Richards I von England*: by Professor Tout, 334
Kittel (R.) *Geschichte der Hebräer*, ii.: by Professor W. R. Smith, LL.D., 314
Knuttel (W. P. C.) *De toestand der nederlandsche katholieken ten tijde der republiek*: by the Rev. G. Edmundson, 776
Koch (G.) *Beiträge zur Geschichte der politischen Ideen und der Regierungspraxis*: by D. G. Ritchie, 809
Kriehn (G.) *The English rising in* 1450: by J. Gairdner, 565
Kunze (K.) *Hanseakten aus England* [1275–1412]: by R. Lodge, 344

La Mantia (F. G.) *Ordines iudiciorum Dei*: by Professor Maitland, LL.D., 755
Lambert (J. M) *Two thousand years of gild life*: by Mrs. J. R. Green, 338
Lamprecht (K.) *Deutsche Geschichte*, ii., iii.: by J. Tait, 748
Lane-Poole (S) *Coins and medals*, edited by, 396
Lea (H. C.) *Superstition and force*, 4th edition: by Professor Maitland LL.D., 755
Lecky (W. E. H.) *The political value of history*: by the Editor, 394
Le Strange (G.) *Palestine under the Moslems*: by S. Lane-Poole, 116
Liebermann (F.) *Ueber ostenglische Geschichtsquellen*: by F. Y. Powell, 128
Lincoln cathedral, Statutes of, i.: by R. L. Poole, 764
Logan (R.) *A genealogical chart of the royal family of Great Britain*, 179
London Dutch church, Archives of the; edited by J. H. Hessels, 187

Mackinnon (J.) *Culture in early Scotland*, 395

Mackintosh (J.) *The history of civilisation in Scotland*, new edition, i., 185
Mahan (A. T.) *The influence of sea power upon history*: by the Rev. A. H. Johnson, 784
—— *The influence of sea power upon the French revolution and empire*: by the Rev. A. H. Johnson, 784
Malleson (G. B.) *The refounding of the German empire* [1848–1871], 607
Manitius (M.) *Philologisches aus alten Bibliothekskatalogen*, 401
Massachusetts Bay, Acts and resolves of the province of, vii. [1692–1702], 605
Maugras (G.) *Le duc de Lauzun et la cour intime de Louis XV*: by Principal Ward, Litt.D., 793
Maxwell (A.) *Old Dundee*: by G. G. Smith, 142
Minet, Some account of the huguenot family of, 399
Moeller (W.) *History of the Christian church* [A.D. 1–600] (English translation), 397
Monumenti antichi pubblicati per cura della reale accademia dei Lincei, i.: by Count U. Balzani, 316
Moutarde (E.) *Les églises réformées de Saujon et de la Presqu'île d'Arvert*: by E. Armstrong, 775
Müller (K.) *Kirchengeschichte*, i.: by Miss A. Gardner, 319
Muratori (L. A.) & Leibniz (G. G.), *Corrispondenza*; edited by M. Campori: by Principal Ward, Litt.D., 788

Nitti (F.) *Leone X e la sua politica*: by the Bishop of Peterborough, 146
Nitzsch (K. W.) *Geschichte des deutschen Volkes*, 2nd edition, 398
Norman (P.) *London signs and inscriptions*: by Miss E. Thompson, 810

O'Grady (S. H.) *Silva Gadelica*: by N. Moore, M.D., 320
Oliveira Martins (J. P. d') *Les explorations des Portugais antérieures à la découverte de l'Amérique*: by Major M. A. S. Hume, 771
Oman (C. W. C.) *The Byzantine empire*: by J. B. Bury, 327
Ompteda (L., Freiherr von) *Ein hannoversch-englischer Offizier vor hundert Jahren*: by Principal Ward, Litt.D., 380
Oxford city documents [1268–1665]; edited by J. E. T. Rogers: by W. H. Stevenson, 583
Oxford.—Registrum Orielense; collected by C. L. Shadwell: by the Rev. H. Rashdall, 568
Oxfordshire Domesday, Notes on the: by J. H. Round, 752

Pallu de Lessert (A.C.) *Vicaires et comtes d'Afrique*: by G McN. Rushforth, 112
Parisiensis, Chartularium universitatis; edited by H. Denifle, ii.: by the Rev. H. Rashdall, 133
Parkman (F.) *A half century of conflict*: by J. A. Doyle, 369
Paspates (A. G.) *The great palace of Constantinople* (English translation), 815
Patent rolls, Calendar of the: Edward III [1327–1330]: by Professor Tout, 135
Payne (E. J.) *History of the New World called America*, i.: by J. Winsor, LL.D., 346
Penitentiary, A formulary of the papal; edited by H. C. Lea, 602
Pepys (Samuel) *Diary*; edited by H. B. Wheatley, i., 607
Perkins (J. B.) *France under the regency*: by A. F. Pollard, 791
Philippson (M.) *Histoire du règne de Marie Stuart*: by P. H. Brown, 571
Planta (P. von) *Chronik der Familie von Planta*: by the Rev. W. A. B. Coolidge, 588
— (P. C. von) *Die Geschichte von Graubünden*: by the Rev. W. A. B. Coolidge, 588
Privy Council, Acts of the; New series, iii., iv.; edited by J. R. Dasent: by the Rev. R. W. Dixon, 355

Quadripartitus, ein englisches Rechtsbuch von 1114; edited by F. Liebermann: by F. Y. Powell, 332

Raines (F. R.) *The fellows of the collegiate church of Manchester* 600
Ramsay (Sir J. H.) *Lancaster and York*: by Professor Tout, 557
Robinson (H. J.) *Colonial chronology*: by C. P. Lucas, 389

Rodenberg (C.) *Innocens IV und das Königreich Sicilien* [1245–1254]: by Count U. Balzani, 763
Rogers (J. E. T.) *England's commercial and industrial supremacy*: by G. T. Warner, 398
Röhricht (R.) *Regesta regni Hierosolymitani* [1097–1291]: by T. A. Archer, 753
Roper (W. O.) *Materials for the history of the church of Lancaster*, 185
Ropes (J. C.) *The campaign of Waterloo*: by Professor Montague, 598
Round (J. H.) *Geoffrey de Mandeville*: by F. Liebermann, 544
Rowlands (Kate M.) *The life of George Mason*: by J. A. Doyle, 589
Rümelin (G.) *Aus der Paulskirche*, 189
Russian periodical publications, Notices of: by W. R. Morfill, 207, 415, 625, 831

Salis-Soglio (N. von) *Die Familie von Salis*: by the Rev. W. A. B. Coolidge, 588
Scaife (W. B.) *America; its geographical history*: by W. King, 575
Schickler (baron F. de) *Les églises de refuge en Angleterre*: by W. A. Shaw, 364
Selden (J.) *Table talk*; edited by S. H. Reynolds: by the Editor, 161
Sharp (A. Mary) *The history of Ufton Court*, 604
Shore (T. W.) *The history of Hampshire*, 190
Simon (E.) *L'Allemagne et la Russie au XIX^e siècle*, 606
Smith (T. C.) *Records of the church of Preston in Amounderness*: by J. Tait, 144
Spangenberg (H.) *Cangrande I della Scala*: by H. F. Brown, 336
Sprott (G. W.) *The worship of the church of Scotland during the covenanting period* [1638–1661]: by the Editor, 779
Spuller (E.) *Histoire parlementaire de la seconde république*: by J. W. Headlam, 598
Stapleton (Mrs. B.) *Three Oxfordshire parishes; a history of Kidlington, Yarnton, and Begbooke*, 603
State Papers, Calendar of; Domestic [1645–1647]: by C. H. Firth, 154
—— [1648–1649]: by C. H. Firth, 780
Statesman's year-book for 1893, 608
Strachey (Sir J.) *Hastings and the Rohilla War*: by S. J. Owen, 373
Suriano (M.) and Barbaro (M. A.) *Despatches* [1560–1563]; edited by Sir H. Layard: by E. Armstrong, 183

Tacitus, *Annals*; edited by H. Furneaux, ii.: by W. T. Arnold, 538
Teuffel's *History of Roman Literature*; translated by G. C. W. Warr, ii., 183
Thompson (Edith) *The wars of York and Lancaster* [1450–1485], 400
Thoyts (E. E.) *How to decipher and study old documents*, 815

Verney (Lady) *Memoirs of the Verney family during the civil war*: by C. H. Firth, 579
Vincent (J. M.) *State and federal government in Switzerland*: by the Rev. W. A. B. Coolidge, 174
Voigt (M.) *Römische Rechtsgeschichte*: by H. Bond, LL.D., 747

Westerkamp (J. B.) *Staatenbund und Bundesstaat*: by the Rev. W. A. B. Coolidge, 810
Winchelcumba, Landboc sive registrum monasterii de; edited by D. Royce: by R. L. Poole, 551
Winchester, Compotus rolls of the obedientiaries of St. Swithun's priory; edited by G. W. Kitchin: by the Rev. T. S. Holmes, 767
Winsor (J.) *The anticipation of Cartier's voyages* [1492–1534]: by J. A. Doyle, 774
—— *The results on Europe of Cartier's explorations*: by J. A. Doyle, 774
Wishart (G.) *The memoirs of James, marquis of Montrose*; edited by A. O. Murdoch and H. F. M. Simpson: by the Editor, 581
Wood (A.) *Survey of the antiquities of the city of Oxford*; edited by A. Clark: by W. H. Stevenson, 583

Year Books of the reign of king Edward III, xv.; edited by L. O. Pike: by F. Y. Powell, 141
Yorkshire inquisitions of the reigns of Henry III and Edward I, i. edited by W. Brown: by Professo Maitland, LL.D., 555

LIST OF WRITERS

, T. A., 753
›ng, E., 152, 357, 360, 775
William T., 538, 746
Professor W. J., 294

, Count Ugo, 316, 763
, Miss Mary, 756
Herbert W., 808
Henry, LL.D., 747
ot, Major W., 93
E. W., 209
Horatio F., 336
P. Hume, 571
s, Professor Montagu, 135
. B., 327

Miss Alice M., 625
e, Rev. W. A. B., 174, 588, 806,

Frederick, 284
Rev. R. W., 355
I. A., 164, 177, 369, 589, 774,

, R., 605, 801

›son, Rev. George, 358, 776

C. H., 154, 526, 579, 780, 782
H. A. L., 798

ER, James, 53, 299, 351, 565, 769,

ır, Samuel R., LL.D., 161, 360,
525, 581, 779
r, Miss Alice, 114, 319
, R., LL.D., 91
., 109, 535
, Professor E. C. K., 599, 796
Mrs. John Richard, 338

M, J. W., 598, 744
, Rev. T. Scott, 767
, Rev. Prebendary J. R., 307
Major Martin A. S., 145, 149,

Professor Edward, 417
ı, Rev. A. H., 784

ofessor W. P., 326
ı, F., 120, 550
Wilson, 575

LANE-POOLE, Stanley, 116
Laughton, Professor J. K., 794
Law, T. G., 697
Lea, Henry Charles, LL.D., 424
Leadam, I. S., 684
Liebermann, F., 129, 544
Little, A. G., 83, 519, 765
Lodge, R., 344, 367
Lucas, C. P., 389, 596

MACRAY, Rev. W. D., 85
Maitland, Professor F. W., LL.D., 328, 555, 726, 755, 758
Montague, Professor F. C., 391, 593
Moore, Norman, M.D., 320
Morfill, W. R., 207, 415, 624, 831
Morris, His honour Judge William O'Connor, 61

NEUBAUER, A., 118
Norgate, Miss Kate, 18

OPPENHEIM, M., 467
Owen, Sidney James, 373

PEARS, Edwin, 439
Peterborough, Right Rev. Lord Bishop of, 146
Pocock, Rev. Nicholas, 297, 569
Pollard, A. F., 791
Pollock, Sir Frederick, baronet, LL.D., 239
Poole, Reginald L., 127, 551, 764, 778
Poole, Mrs. Reginald L., 363
Powell, F. York, 128, 141, 332, 760, 806
Prothero, G. W., 169, 384, 548, 733

RASHDALL, Rev. H., 133, 568
Ritchie, D. G., 809
Rose, J. H., 704
Round, J. H., 80, 288, 515, 677, 752
Rushforth, G. McN., 112

SHAW, W. A., 364
Smith, G. Gregory, 142
Smith, Professor W. Robertson, LL.D., 314
Stevenson, W. H., 583

TAIT, James, 144, 748
Tanner, J. R., 272, 740
Thompson, Miss Edith, 810
Tout, Professor, T. F. 135, 334, 557, 751

VINOGRADOFF, Professor Paul, 1, 540

WAKEMAN, Henry Offley, 577, 781
Ward, Principal A.. W., Litt.D., 162, 380, 500, 788, 793
Wardrop, Oliver, 321
Warner, G. F. 156
Warner, G. Townsend, 393
Webster, Rev. Wentworth, 742
Whitney, Rev. J. P., 543
Winsor, Justin, LL.D., 346

Errata in No. 31. *July*

Page 472, line 18 : *for* ' adopt ' *read* ' adapt.'
Page 494, the reference to note 110 should be placed in line 24, after ' sixpence.'
„ „ note 110, *for* ' cccli ' *read* ' ccclii.'
„ 495, note 113, *for* ' p. 81 ' *read* ' 81.'
Page 549, line 20 : *for* ' notably the parliamentary grievances of 1297 and the ro proclamation of the same year ' *read* ' the royal proclamation of 1297,' only.

N° 29, Vol. VIII., January 1893

The English Historical Review

EDITED BY

S. R. GARDINER, M.A., LL.D.

FELLOW OF MERTON COLLEGE, OXFORD

ASSISTED BY

REGINALD L. POOLE, M.A., PH.D.

American Editor, JUSTIN WINSOR, LL.D., Librarian of Harvard College, Cambridge, Massachusetts

CONTENTS

Articles PAGE

Folkland. *By Professor Vinogradoff* 1

The Bull Laudabiliter. *By Miss Norgate* 18

Mary and Anne Boleyn. *By James Gairdner* 53

Villars. *By His Honour Judge William O'Connor Morris* 61

Notes and Documents—A Charter of Henry I (1123): edited by J. H. Round—Cistercian Students at Oxford in the Thirteenth Century: by A. G. Little—Sermons for the Festivals of St. Thomas Becket, &c., probably by Archbishop Stratford: edited by the Rev. W. D. Macray—A Letter from Antonio de Guaras to the Irish Rebels: edited by R. Garnett, LL.D.—The Defence of Jalalabad: by Major W. Broadfoot 80

Reviews of Books—*Gardner*, New Chapters in Greek History: by P. Giles—*Pallu de Lessert*, Vicaires et Comtes d'Afrique: by G. McN. Rushforth—*Boissier*, La Fin du Paganisme: by Miss Alice Gardner—*Le Strange*, Palestine under the Moslems: by Stanley Lane-Poole—*Graetz*, History of the Jews, English translation, III–V: by A. Neubauer—*Hegel*, Städte und Gilden der germanischen Völker: by F. Keutgen—*Dresdner*, Kultur- und Sittengeschichte der italienischen Geistlichkeit: by Reginald L. Poole—*Liebermann*, Ueber ostenglische Geschichtsquellen: by F. York Powell—*Orpen's* Song of Dermot and the Earl: by F. Liebermann—*Denifle's* Chartularium Universitatis Parisiensis: by the Rev. H. Rashdall—*Inderwick*, The Story of King Edward and New Winchelsea: by Professor Montagu Burrows—Calendars of Patent Rolls (1327–30) and of Close Rolls (1307–13): by Professor Tout—Year Books of the Reign of Edward III, XV: by F. York Powell—*Maxwell*, Old Dundee: by G. Gregory Smith—*T. C. Smith*, Records of the Church of Preston in Amounderness, and *Fishwick*, History of the Parish of St Michael's-on-Wyre: by James Tait—*Ibarra y Rodriguez*, Don Fernando el Católico y el Descubrimiento de América: by Major Martin A. S. Hume—*Nitti*, Leone X e la sua Politica: by the Bishop of Peterborough—*Claretta*, Il Duca di Savoia, Emanuele Filiberto, e la Corte di Londra, 1554–5: by Major Hume—Despatches of Suriano and Barbaro, 1560–1563: by E. Armstrong—*Hamilton*, Calendar of State Papers (Domestic), 1645–7: by C. H. Firth—*Jacobs'* Epistolae Ho-Elianae: by G. F. Warner—*Reynolds'* Table Talk of John Selden: by the Editor—*Armstrong*, Elisabeth Farnese: by Principal Ward, Litt.D.—*Fiske*, The American Revolution: by J. A. Doyle—*Anson*, The Law and Custom of the Constitution: by G. W. Prothero—*Vincent*, State and Federal Government in Switzerland: by the Rev. W. A. B. Coolidge—*Jameson*, The History of Historical Writing in America: by J. A. Doyle—Short Notices . . 109

List of Historical Books recently published 193

Contents of Periodical Publications 201

TO BE CONTINUED QUARTERLY

LONDON: LONGMANS, GREEN, AND CO.

NEW YORK: 15 EAST 16th STREET

Messrs. LONGMANS & CO.'S STANDARD BOOKS.

By LORD MACAULAY.

HISTORY of ENGLAND, from the ACCESSION of JAMES the SECOND.
POPULAR EDITION, 2 vols. crown 8vo. 5s. | PEOPLE'S EDITION, 4 vols. crown 8vo. 16s.
STUDENT'S EDITION, 2 vols. crown 8vo. 12s. | CABINET EDITION, 8 vols. post 8vo. £2. 8s.
LIBRARY EDITION, 5 vols. 8vo. £4.

CRITICAL and HISTORICAL ESSAYS.
STUDENT'S EDITION, 1 vol. crown 8vo. 6s. | TREVELYAN EDITION, 2 vols. crown 8vo. 9s.
PEOPLE'S EDITION, 2 vols. crown 8vo. 8s. | CABINET EDITION, 4 vols. post 8vo. 24s.
LIBRARY EDITION, 3 vols. 8vo. 36s.

CRITICAL and HISTORICAL ESSAYS. With LAYS of ANCIENT ROME.
Complete in 1 volume.
AUTHORISED EDITION, cr. 8vo. 2s. 6d., or 3s. 6d. gilt edges. | 'SILVER LIBRARY' EDITION. With Portrait and Illustrations to the 'Lays.' Crown 8vo. 3s. 6d.
POPULAR EDITION, crown 8vo. 2s. 6d.

LAYS of ANCIENT ROME, &c.
Illustrated by G. Scharf, fcp. 4to. 10s. 6d. | Illustrated by J. R. Weguelin, crown 8vo. 3s. 6d. cloth extra, gilt edges.
——— BIJOU EDITION, 18mo. 2s. 6d. gilt top. | CABINET EDITION, post 8vo. 3s. 6d.
——— POPULAR EDITION, fcp. 4to. 6d. sewed, 1s. cloth. | ANNOTATED EDITION, fcp. 8vo. 1s. sewed; 1s. 6d. cloth.

COMPLETE WORKS of LORD MACAULAY.
LIBRARY EDITION, 8 vols. 8vo. £5. 5s. | CABINET EDITION, 16 vols. post 8vo. £4. 16s.

By JAMES ANTHONY FROUDE.

HISTORY of ENGLAND, from the Fall of Wolsey to the Defeat of the Spanish Armada. 12 vols. crown 8vo. 42s.

The DIVORCE of CATHERINE of ARAGON; The Story as told by the Imperial Ambassadors resident at the Court of Henry VIII. 8vo. 16s.

The SPANISH STORY of the ARMADA: and other Essays. Crown 8vo. 6s.

The ENGLISH in IRELAND in the EIGHTEENTH CENTURY. 3 vols. cr. 8vo. 18s.

SHORT STUDIES on GREAT SUBJECTS. Cabinet Edition, 4 vols. crown 8vo. 24s. Popular Edition, 4 vols. crown 8vo. 3s. 6d. each.

CÆSAR: a Sketch. Crown 8vo. 3s. 6d.

THOMAS CARLYLE: a History of his Life.
1795–1835, 2 vols. crown 8vo. 7s. | 1834–1881, 2 vols. crown 8vo. 7s.

By WILLIAM E. H. LECKY.

The HISTORY of ENGLAND in the EIGHTEENTH CENTURY.
LIBRARY EDITION, 8 vols. 8vo. £7. 4s.
CABINET EDITION, 12 vols. crown 8vo. 6s. each (England, 7 vols.; Ireland, 5 vols.).

EUROPEAN MORALS, from Augustus to Charlemagne. 2 vols. crown 8vo. 16s.

RISE and INFLUENCE of the SPIRIT of RATIONALISM in EUROPE. 2 vols. crown 8vo. 16s.

By SAMUEL RAWSON GARDINER.

HISTORY of ENGLAND, from the Accession of James I. to the Outbreak of the Civil War, 1603–1642. 10 vols. crown 8vo. 6s. each.

The STUDENT'S HISTORY of ENGLAND. Vol. I. B.C. 55–A.D. 1509, with 173 Illustrations. Crown 8vo. 4s. Vol. II. (1509–1689), with 96 Illustrations. Crown 8vo. 4s. Vol. III. (1689–1885). With 109 Illustrations. Crown 8vo. 4s.
COMPLETE IN ONE VOLUME. With 378 Illustrations. Crown 8vo. 12s.

A SCHOOL ATLAS of ENGLISH HISTORY: a Companion Atlas to Gardiner's Student's History of England. With 66 Maps and 22 Plans of Battles, &c. Fcp. 4to. 3s.

By Lady VERNEY.

MEMOIRS of the VERNEY FAMILY during the CIVIL WAR. With a Preface by S. R. GARDINER, M.A. LL.D. With 38 Portraits, Woodcuts, and Facsimile. 2 vols. royal 8vo. 42s.

By Sir THOMAS ERSKINE MAY.

The CONSTITUTIONAL HISTORY of ENGLAND since the Accession of George III. 1760–1870. 3 vols. crown 8vo. 18s.

London: LONGMANS, GREEN, & CO.
NEW YORK: 15 EAST 16TH STREET.

The English Historical Review Advertiser.
JANUARY 1893

MESSRS. MACMILLAN & CO.'S
NEW HISTORICAL BOOKS.

COMPLETION OF THE SECOND VOLUME OF THE ILLUSTRATED EDITION.

A SHORT HISTORY OF THE ENGLISH PEOPLE.

By J. R. GREEN, M.A. Illustrated Edition. Edited by Mrs. J. R. GREEN and Miss KATE NORGATE. Vol. II. (containing Parts XI. to XX.). With Coloured Plates and numerous Illustrations. Super Royal 8vo. cloth, 12s. net.

*** *Cases for binding*, 1s. 6d. *net.*

GUARDIAN.—'The second volume of the illustrated edition is even more magnificent than the first. The illustrations are exactly what their name implies. They lighten up the history. Places, buildings, persons, all receive their due share of attention, and how large that share is may be inferred from the fact that the description of them and the sources whence they are derived occupies some five-and-twenty pages. Indeed, they are a "short history" in themselves.'

BY THE SAME AUTHOR.

STRAY STUDIES FROM ENGLAND AND ITALY.

By JOHN RICHARD GREEN. Second and Cheaper Edition. Globe 8vo. cloth, 5s.

ACADEMY.—'There are books which we do not allow themselves to be read, books which may be read with a struggle, and books which it is impossible not to read. Mr. Green's "Stray Studies," like his "Short History," are of this last sort. They read themselves, as it were, and carry one down a clear and pleasant stream of style, within sight of places and events full of charm and interest.'

DAILY CHRONICLE.—'Take the volume as a whole, and it will be found to be one of the most lively and delightful books which have appeared among us for a long time past. This judgment will stand the test of jealous scrutiny—for here is meat for all. Of the four considerable historic essays, the most valuable is that on "Lambeth and its Archbishops," and it is undoubtedly among the most brilliant efforts that came from Mr. Green's pen.'

BY JAMES B. PERKINS.

FRANCE UNDER THE REGENCY.

With a Review of the Administration of Louis XIV. By JAMES BRECK PERKINS, Author of 'France under Richelieu and Mazarin.' Crown 8vo. 8s. 6d.

A NEW HISTORY OF THE UNITED STATES.

HISTORY OF THE UNITED STATES FROM THE COMPROMISE OF 1850 TO 1880.

By JAMES FORD RHODES. 2 vols. 8vo. 24s.

'*My design,*' *says the Author,*' *is to write the history of the United States from the introduction of the Compromise measures of* 1850 *down to the inauguration of Grover Cleveland, thirty-five years later.*'

TIMES.—'Serious students, whom the subject attracts, will find Mr. Rhodes' work indispensable.'

NEW AND CHEAPER EDITION OF MR. CHARLES BOOTH'S WELL-KNOWN WORK.

LIFE AND LABOUR OF THE PEOPLE IN LONDON.

Edited by CHARLES BOOTH. Vol. I. EAST CENTRAL AND SOUTH LONDON. Vol. II. STREETS AND POPULATION CLASSFIED. Crown 8vo. cloth, 3s. 6d. each. Case of accompanying Maps, crown 8vo. 5s.

*** *The remaining Volumes—Vol. III. BLOCKS OF BUILDINGS, SCHOOLS, AND IMMIGRATION—Vol. IV. EAST LONDON INDUSTRIES—will follow at monthly intervals, uniform in size and price.*

GUARDIAN.—'The only criticism that can be made on it is one of sheer amazement at the quantity and interest of the material that Mr. Booth has brought together.'

OBSERVER.—'A colossal monument of research into "the condition of the London question."'

MORNING LEADER.—'This invaluable Blue-book, which sets before us in striking and clear fashion the lives and condition of London's millions, should be on the table of every intelligent politician and social reformer. The facts which Mr. Booth presents to us on the social condition of the people can be obtained from no other source. They are the result of personal investigation, and the facts and figures set forth have been well sifted and digested.'

NEW BOOK BY THE HON. REGINALD BRETT.

FOOTPRINTS OF STATESMEN DURING THE EIGHTEENTH CENTURY IN ENGLAND.

By the Hon. REGINALD B. BRETT. Crown 8vo. 6s.

TIMES.—'Mr. Brett writes pleasantly and suggestively enough on a theme which, however familiar, he manages to invest with a certain air of freshness. His readers must be hard to please if they are not entertained, and they must be very well informed if their curiosity is not stimulated by his bright and vivid sketches of personalities and events.'

DAILY CHRONICLE.—'A clever study, not so much of the character of statesmen in the last century, as of the process by which what we now know as our system of constitutional government came to be evolved. It is therefore a little work that ought to be mastered by every youthful student of politics who has any hope of ever playing an important part in public life.'

A VOLUME OF THE JOHNS HOPKINS UNIVERSITY STUDIES IN HISTORICAL AND POLITICAL SCIENCE.

THE OLD ENGLISH MANOR: a Study in English Economic History.

By CHARLES MCLEAN ANDREWS, Ph.D., Associate in History in Bryn Maur College. Royal 8vo. cloth, 6s. net.

NEW BOOK BY PROFESSOR LANCIANI.

PAGAN AND CHRISTIAN ROME

By RODOLFO LANCIANI, Author of 'Ancient Rome in the Light of Recent Discoveries.' Small 4to. 24s.

THIRD AND CHEAP EDITION.

Demy 8vo. Richly Illustrated. Price 3s. 6d.

BACKHOUSE & TYLOR'S

EARLY CHURCH HISTORY.

'Well digested in matter and attractive in form. Written in an excellent spirit.'—ATHENÆUM.

'Nothing could be more laudable than the moderation and candour which are shown throughout.'—SPECTATOR.

'An exceedingly good volume of Church History.'—GUARDIAN.

'Beautifully illustrated; epitaphs, mosaics, and other tangible records are made excellent use of. From beginning to end it is as engrossing as a novel.'—GRAPHIC

London: SIMPKIN, MARSHALL, HAMILTON, KENT, & CO., LIMITED.

MESSRS. LONGMANS & CO.'S LIST.

THE BADMINTON LIBRARY.

Edited by the Duke of Beaufort, K.G. and A. E. T. Watson.

COURSING AND FALCONRY. By HARDING COX and the Hon. GERALD LASCELLES. With 20 Plates and 56 Illustrations in the Text by JOHN CHARLTON, R. H. MOORE, G. E. LODGE, and L. SPEED Crown 8vo. 10*s.* 6*d.*

FIFTY YEARS IN THE MAKING OF AUSTRALIAN HISTORY. By Sir HENRY PARKES, G.C.M.G. Premier of New South Wales, 1872–5, 1877, 1878–9. With 2 Portraits. 2 vols. 8vo. 32*s.*

TWENTY-FIVE YEARS OF ST. ANDREWS, 1865–1890. By the Very Rev. A. K. H. BOYD, D.D. LL.D. First Minister of St. Andrews, Author of 'The Recreations of a Country Parson,' 2 vols. 8vo. Vol. I. Fourth Edition, 12*s.* (*in a few days*); Vol. II. Third Edition, 15*s.*

LETTERS TO YOUNG SHOOTERS. By Sir RALPH PAYNE-GALLWEY, Bart.

FIRST SERIES.—ON THE CHOICE AND USE OF A GUN. With numerous Illustrations and Diagrams. Crown 8vo. 7*s.* 6*d.*

SECOND SERIES.—ON THE PRODUCTION, PRESERVATION, AND KILLING OF GAME. With Directions in Shooting Wood Pigeons and Breaking-in Retrievers. With Portrait of the Author and 103 Illustrations. Crown 8vo. 12*s.* 6*d.*

THE TOILERS OF THE FIELD. By RICHARD JEFFERIES. With a Portrait from the bust in Salisbury Cathedral. Crown 8vo. 6*s.*

A SELECTION FROM THE LETTERS OF GERALDINE JEWSBURY TO JANE WELSH CARLYLE. Edited by Mrs. ALEXANDER IRELAND, Author of 'The Life of Jane Welsh Carlyle,' and Prefaced by a Monograph on Miss Jewsbury by the Editor. 8vo. 16*s.*

OLD AND NEW ASTRONOMY. By RICHARD A. PROCTOR and A. COWPER RANYARD. With 31 Plates and 472 Illustrations in the Text. 4to. 36*s.*

*** The issue of this book in Parts is now completed. Part 13, APPENDIX, price ONE SHILLING, now ready. Cases for binding can be had through all Booksellers.

A SANSKRIT-ENGLISH DICTIONARY: being a Practical Handbook, with Transliteration, Accentuation, and Etymological Analysis throughout. Compiled by ARTHUR A. MACDONELL, M.A. Ph.D. (Deputy) Professor of Sanskrit in the University of Oxford. 4to. £2. 2*s.*

AN ANALYSIS OF THE IDEAS OF ECONOMICS. By L. P. SHIRRES, B.A. of King's College, Cambridge; Member of Her Majesty's Bengal Civil Service, and sometime Finance Under-Secretary to the Government of Bengal. Crown 8vo. 6*s.*

CHEMICAL LECTURE EXPERIMENTS (Non-metallic Elements). By G. S. NEWTH, F.I.C. Chemical Lecture Demonstrator in the Royal College of Science, South Kensington. With 224 Illustrations. 8vo. 10*s.* 6*d.*

London: LONGMANS, GREEN, & CO.
NEW YORK: 15 EAST 16TH STREET.

MESSRS. LONGMANS & CO.'S LIST.

Messrs. Longmans, Green, & Co. will publish in a few days, price 6s. 6d. net, uniform with 'The Light of the World' and 'Potiphar's Wife,' the Japanese Play written by Sir Edwin Arnold, K.C.I.E. C.S.I. during his recent residence in Tôkyô. Its title is 'Adzuma; or, The Japanese Wife,' and it consists of four acts and many scenes, the action taking place at Kyôtô, the ancient capital of the empire.

OMER AND THE EPIC. By Andrew Lang, M.A. Hon. LL.D. St. Andrews. Crown 8vo. 9*s*. net. [*In a few days.*

*** An Edition of 107 copies is in preparation on Large Paper. Price on application to the Booksellers.

HE RUINED CITIES OF MASHONALAND: being a Record of Excavations and Exploration, in 1891. By J. Theodore Bent, F.S.A. F.R.G.S. With a Chapter on the Orientation and Mensuration of the Temples by R. M. W. Swan, and 5 Maps and Plans, 13 Plates, and 104 Illustrations in the Text. 8vo. 18*s*.

COMPLETION OF THE CABINET EDITION OF MR. LECKY'S 'ENGLAND.'

HE HISTORY OF ENGLAND IN THE EIGHTEENTH CEN-TURY. By William E. H. Lecky. Cabinet Edition. 12 vols. crown 8vo. 6*s*. each (ENGLAND, 7 vols.; IRELAND, 5 vols.)

HE LAND OF HOME RULE: being an Account of the History and Institutions of the Isle of Man. By Spencer Walpole, Lieutenant-Governor of the Island, Author of 'A History of England, 1815–1858.' [*Nearly ready.*

ING POPPY: a Fantasia. By the Earl of Lytton. With 1 Plate and Design on Title-page by Ed. Burne-Jones, A.R.A. Crown 8vo. 10*s*. 6*d*.

HE GREEN FAIRY BOOK. Edited by Andrew Lang. With 13 Plates and 88 Illustrations in the Text by H. J. Ford. Second Edition. Crown 8vo. 6*s*.

OICES FROM FLOWER-LAND: a Birthday Book and Language of Flowers. By Emily E. Reader. New Edition. Illustrated by Ada Brooke. Royal 16mo. cloth, 2*s*. 6*d*.; vegetable vellum, 3*s*. 6*d*.

NEW VOLUME OF THE 'SILVER LIBRARY.'

ITRODUCTION TO THE SCIENCE OF RELIGION. Four Lectures delivered at the Royal Institution, in February and May 1870. By F. Max Müller, Foreign Member of the French Institute. New and Cheaper Edition. Crown 8vo. 3*s*. 6*d*.

NEW NOVELS.

EITH DERAMORE. By the Author of 'Miss Molly.' 1 vol. crown 8vo.

NEW BOOK BY MRS. DELAND.

HE STORY OF A CHILD. By Margaret Deland, Author of 'John Ward' &c.

HE MISCHIEF OF MONICA. By L. B. Walford, Author of 'Mr. Smith' &c. New and Cheaper Edition. Crown 8vo. 2*s*. 6*d*.

MORAL DILEMMA. By Annie Thompson. Crown 8vo. 6*s*.

LAY DOWN YOUR ARMS': the Autobiography of Martha von Tilling. By Bertha von Suttner. Translated by T. Holmes. Crown 8vo. 7*s*. 6*d*.

*** Baroness Suttner's object in this story is to awake the attention of all thinking persons the evils of war and to the possibility of finding a remedy for it in a voluntary establishment of bitration tribunals and mutual disarmament.

London: LONGMANS, GREEN, & CO.
NEW YORK: 15 EAST 16TH STREET.

ROCK LIFE ASSURANCE COMPANY.

ESTABLISHED 1806.

DIRECTORS.

JOHN WOLFE BARRY, Esq.
WILFRID ARTHUR BEVAN, Esq.
GEORGE PARKER BIDDER, Esq., Q.C.
THE HON. WM. ST. JOHN F. BRODRICK, M.P.
GEORGE CROSHAW, Esq.
ARTHUR JONES LAURENCE, Esq.
CHARLES THOMAS LUCAS, Esq.
THE RIGHT HON. LORD MONK BRETTON.
CUTHBERT EDGAR PEEK, Esq.
SIR CHARLES RUGGE-PRICE, Bart.
THE HON. CHARLES HEDLEY STRUTT.
SAMUEL HARVEY TWINING, Esq.

ACTUARY.
GEORGE S. CRISFORD, Esq.

ASSISTANT ACTUARY.
ARTHUR B. WOODS, Esq.

IMMEDIATE PAYMENT OF CLAIMS.

PAID in CLAIMS, upwards of £10,000,000.
PROFITS divided among Policy-holders, upwards of £3,899,000.

THE PERFECT POLICY,

INDISPUTABLE—NON-FORFEITABLE.

Securing a Capital Sum down, Annuity or Pension, Marriage Settlement, Family Endowment, or Provision in case of death.

LEASEHOLD POLICIES.

MAKING LEASEHOLD PROPERTY AS VALUABLE AS FREEHOLD.

CHIEF OFFICE.

15 NEW BRIDGE STREET, LONDON, E.C.

West End Agency: 27 CHARLES STREET, ST. JAMES'S.

BRANCH OFFICES.

MANCHESTER: Guardian Buildings.
LEEDS: 88 Albion Street. GLASGOW: 107 Buchanan Street.
BIRMINGHAM: 50 Cherry Street. BELFAST: 3 High Street.

GEORGE S. CRISFORD, *Actuary.*

APPLICATIONS FOR AGENCIES INVITED.

A NEW HISTORICAL WORK.

COMMENTARIES ON THE HISTORY OF ENGLAND.

FROM THE EARLIEST TIMES TO 1865.

By MONTAGU BURROWS,

Chichele Professor of Modern History in the University of Oxford; Captain R.N.; F.S.A., &c.; 'Officier de l'Instruction Publique' of France.

Crown 8vo. 7s. 6d.

THIS Work interprets the History of England in accordance with the latest researches; it is a digest and commentary rather than an abstract or an epitome. No attempt has been made to record in detail the facts of English history. Those which are best known and least disputed occupy in these pages the smallest space, but their proper place and due proportion to the whole are none the less indicated. To enable the Student to grasp a large and difficult subject as a whole is one main object of the book.

WILLIAM BLACKWOOD & SONS, Edinburgh and London.

Messrs. LONGMANS & CO.'S STANDARD BOOKS.

By the Rev. J. FRANCK BRIGHT, D.D.

A HISTORY OF ENGLAND. 4 vols. crown 8vo.

Period I.—MEDIÆVAL MONARCHY: The Departure of the Romans to Richard III. From A.D. 449 to 1485. 4s. 6d.
Period II.—PERSONAL MONARCHY: Henry VII. to James II. From 1485 to 1688. 5s.
Period III.—CONSTITUTIONAL MONARCHY: William and Mary to William IV. From 1689 to 1837. Price 7s. 6d.
Period IV.—The GROWTH of DEMOCRACY: Victoria. From 1837 to 1880. 6s.

By the Rt. Hon. A. H. DYKE ACLAND, M.P., and CYRIL RANSOME, M.A.

A HANDBOOK in OUTLINE of the POLITICAL HISTORY of ENGLAND to 1880. Crown 8vo. 6s.

By EDWARD A. FREEMAN.

HISTORICAL GEOGRAPHY of EUROPE. With 65 Maps. 2 vols. 8vo. 31s. 6d

By J. H. ROUND.

GEOFFREY de MANDEVILLE: a Study of the Anarchy. 8vo. 16s.

By EVELYN ABBOTT.

A HISTORY OF GREECE. Part I.—From the Earliest Times to the Ionian Revolt. Crown 8vo. 10s. 6d. Part II.—500–445 B.C. 10s. 6d.

By HENRY THOMAS BUCKLE.

HISTORY of CIVILISATION in ENGLAND and FRANCE, SPAIN, and SCOTLAND. 3 vols. crown 8vo. 24s.

By Sir JOHN LUBBOCK, Bart.

The ORIGIN of CIVILISATION and the PRIMITIVE CONDITION of MAN. With 5 Plates and 20 Illustrations in the Text. 8vo. 18s.

By HEINRICH EWALD.

The HISTORY of ISRAEL. Translated from the German. 8 vols. 8vo. Vols. I. and II. 24s.; Vols. III. and IV. 21s.; Vol. V. 18s.; Vol. VI. 16s.; Vol. VII. 21s.; Vol. VIII. 18s.

By P. M. ROGET, M.D.

THESAURUS of ENGLISH WORDS and PHRASES, Classified and Arranged so as to facilitate the Expression of Ideas and assist in Literary Composition. Recomposed throughout, Enlarged and Improved, partly from the Author's Notes, and with a Full Index by the Author's Son, JOHN LEWIS ROGET. Crown 8vo. 10s. 6d.

By JOHN STUART MILL.

PRINCIPLES of POLITICAL ECONOMY.
LIBRARY EDITION, 2 vols. 8vo. 30s. | PEOPLE'S EDITION, crown 8vo. 3s. 6d.

A SYSTEM of LOGIC. Crown 8vo. 3s. 6d.

By ALEXANDER BAIN.

MENTAL and MORAL SCIENCE. Crown 8vo. 10s. 6d.
The SENSES and the INTELLECT. 8vo. 15s.
The EMOTIONS and the WILL. 8vo. 15s.
PRACTICAL ESSAYS. Crown 8vo. 2s.
LOGIC, DEDUCTIVE and INDUCTIVE.
Part I. DEDUCTION. 4s. | Part II. INDUCTION. 6s. 6d.

By Professor BECKER.

GALLUS; or, Roman Scenes of the Time of Augustus. 23 Illustrations. Post 8vo. 7s. 6d.
CHARICLES; or, Illustrations of the Private Life of the Ancient Greeks. With 15 Illustrations. Post 8vo. 7s. 6d.

By ALFRED H. HUTH.

The MARRIAGE of NEAR KIN, considered with respect to the Law of Nations, the Result of Experience, and the Teachings of Biology. Royal 8vo. 21s.

London: LONGMANS, GREEN, & CO.
NEW YORK: 15 EAST 16TH STREET.

PUBLICATIONS OF THE CLARENDON PRES

SELECT CHARTERS AND OTHER ILLUSTRATIONS OF ENGLISH CO
STITUTIONAL HISTORY, from the Earliest Times to the Reign of Edward I. Arranged and
W. STUBBS, D.D., Lord Bishop of Oxford. Seventh Edition. Crown 8vo. 8s. 6d.

THE CONSTITUTIONAL HISTORY OF ENGLAND, in its Origin and Develo
ment. By the same Author. Library Edition. 3 vols. demy 8vo. £2. 8s.
Also in 3 vols. crown 8vo. price 12s. each.

SEVENTEEN LECTURES ON THE STUDY OF MEDIÆVAL AND MODE
HISTORY. By the same Author. Second Edition. Crown 8vo. 8s. 6d.

MAGNA CARTA, a careful Reprint. Edited by W. STUBBS, D.D., Lord Bishop
Oxford. 4to, stitched, 1s.

NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES. Foun
mainly on the Materials collected by the Philological Society.
NEW PARTS,
VOLUME II. Part VI. (CLO—CONSIGNER). Imperial 4to. stiff covers, 12s. 6d. Edited by JAMES A. H. MUR
M.A., LL.D., &c.
VOLUME III. Part I. (E—EVERY). Imperial 4to. 12s. 6d. Edited by HENRY BRADLEY, M.A., with the
operation of Dr. MURRAY.
'There is a great deal of insincerity in the current excuse as to not buying such a work as this—still it is finish
For it is rather a collection of excellent monographs than an ordinary lexicon; and the importance of monographs, in
other case, would be at once admitted. So prevalent is the ignorance of our own language, that but few people can
the plain reasons why this dictionary is superior to all others; and there must be thousands who would buy it at on
they could only grasp this fact.'—Prof. SKEAT (*Academy*, August 29).

ITALY AND HER INVADERS. With Plates and Maps. By THOMAS HODGK
D.C.L. (A.D. 376-553).
VOLUMES I.—II. The Visigothic Invasions—The Hunnish Invasion—The Vandal Invasion, and the Hero
Mutiny. Second Edition. £2. 2s.
VOLUMES III.—IV. The Ostrogothic Invasion—The Imperial Restoration. 36s.

THE DYNASTY OF THEODOSIUS; or, Seventy Years' Struggle with
Barbarians. By the same Author. Crown 8vo. 6s.

WORKS BY THE LATE PROFESSOR FREEMAN.

NEW VOLUME OF 'THE HISTORY OF SICILY.'
Vol. III. just published, demy 8vo. cloth, with Maps, 21s. (Vols. I. and II. 42. 2s. Not sold separately.)

THE HISTORY OF SICILY FROM THE EARLIEST TIME
By the late EDWARD A. FREEMAN, M.A., Hon. D.C.L., LL.D., Regius Professor of Modern History, Fellow of
College, Honorary Fellow of Trinity College. With Maps.
Vol. I.—THE NATIVE NATIONS: THE PHŒNICIAN AND GREEK SETTLEMENTS.
Vol. II.—FROM THE BEGINNING OF GREEK SETTLEMENT TO THE BEGINNING OF ATHEN
INTERVENTION.
Vol. III.—THE ATHENIAN AND CARTHAGINIAN INVASIONS.
'It constitutes such a monument of life-long labour, of disinterested study, of single-minded devotion to high
liberal pursuits, of commanding historical capacity, as few Englishmen of our time can hope to rival.'—THE TIMES.

HISTORY OF THE NORMAN CONQUEST OF ENGLAND: its Cause
Results. In 6 vols. demy 8vo. £5. 9s. 6d.

THE REIGN OF WILLIAM RUFUS AND THE ACCESSION OF HENRY I
FIRST. 2 vols. demy 8vo. £1. 16s.

A SHORT HISTORY OF THE NORMAN CONQUEST OF ENGLAND. Sec
Edition. Extra fcap. 8vo. 2s. 6d.

THE CONSTITUTIONAL DOCUMENTS OF THE PURITAN REVOLUTIO
1625-1660. Selected and Edited by SAMUEL RAWSON GARDINER, M.A. Crown 8vo. 9s.

HISTORY OF THE DOMINION OF CANADA. By W. PARR GRESWELL, M
under the Auspices of the Royal Colonial Institute. With 11 Maps. Crown 8vo. 7s. 6d.

GEOGRAPHY OF THE DOMINION OF CANADA AND NEWFOUNDLAN
By the same Author. With 10 Maps. Crown 8vo. 6s.
'A clear and explicit account of the "Geography of Canada and Newfoundland."'—SPECTATOR.

GEOGRAPHY OF AFRICA SOUTH OF THE ZAMBESI. By the same Aut
With Maps. Crown 8vo. 7s. 6d.

DALMATIA, THE QUARNERO, AND ISTRIA: with Cettigne in Montene
and the Island of Grado. By T. G. JACKSON, M.A. With many Plates and Illustrations. 3 vols. 8vo. half-b
£2 2s.

BRITISH BARROWS: a Record of the Examination of Sepulchral Mounds
various parts of England. By W. GREENWELL, M.A., F.S.A. Together with Description of Figures of Sk
General Remarks on Prehistoric Crania, and an Appendix by GEORGE RUSSELTON, M.D., F.R.S. Medium 8vo.

Twentieth Edition, Revised. Seventy-eighth Thousand. Just published, crown 8vo. cloth, superfine paper, 3s. 6d.

A BRIEF HISTORY OF THE INDIAN PEOPLES, from the Earliest Period
the Present Time. By Sir W. W. HUNTER, K.C.S.I., M.A., LL.D., &c., Editor of the 'Rulers of India' Series.

ALSO PUBLISHED BY HENRY FROWDE.
Demy 8vo. 15s.

BOMBAY, 1885 to 1890: a Study in Indian Administration. By Sir W.
HUNTER, K.C.S.I., M.A., LL.D., &c.

Full Catalogue of Clarendon Press Publications post free.

London: HENRY FROWDE, Clarendon Press Warehouse, Amen Corner, E.

SPOTTISWOODE & CO. PRINTERS, NEW-STREET SQUARE, LONDON.

Messrs. Macmillan & Co.'s New Historical Works.

NEW BOOK BY MR. FREDERIC HARRISON.

ANNALS OF AN OLD MANOR HOUSE,

SUTTON PLACE, GUILDFORD.

By FREDERIC HARRISON.

Illustrated from the Original Drawings by WM. LUKER, Jun., W. NIVEN and C. FORSTER HAYWARD.

One Vol. Medium Quarto, printed on Handmade Paper and illustrated with numerous Plates, after original Drawings, Facsimiles, Head and Tail Pieces, &c. Price 42*s.* net.

BY MR. S. F. STEVENSON, M.P.

HISTORIC PERSONALITY.

By FRANCIS SEYMOUR STEVENSON, M.P. Crown 8vo. 4*s.* 6*d.*

NEW EDITION OF PROFESSOR DICEY'S WELL-KNOWN WORK.

LECTURES INTRODUCTORY TO THE STUDY OF THE LAW OF THE CONSTITUTION.

By A. V. DICEY, B.C.L., of the Inner Temple, Barrister-at-Law, Vinerian Professor of English Law, Fellow of All Souls, Oxford, Hon. LL.D. Glasgow. Fourth Edition, 8vo. 12*s.* 6*d.*

THE CITY-STATE OF THE GREEKS AND ROMANS: a Survey Introductory to the Study of Ancient History.

By W. WARD FOWLER, M.A., Fellow and Tutor of Lincoln College, Oxford. Crown 8vo. 5*s.*

WESTMINSTER GAZETTE.—'It is impossible within any available limits to give an adequate account of Mr. Fowler's treatment of his subject. We can but commend his treatise to our readers; and this we can do without reserve.'

SPEAKER—'An unpretending but valuable little volume. . . . It contains a view of the development of city life through religion which we do not remember to have seen put so explicitly before, and it forms an excellent introduction to the study of Comparative Politics.'

CLASSICAL LIBRARY.—NEW VOLUME.

ARISTOTLE'S CONSTITUTION OF ATHENS.

A Revised Text, with an Introduction, Critical and Explanatory Notes, Testimonia and Indices, by JOHN EDWIN SANDYS, Litt.D., Fellow and Tutor of St. John's College, and Public Orator of the University of Cambridge. 8vo. 18*s.*

TIMES—'The most elaborate edition that has yet been published. It is also one of the most scholarly and competent. . . . Will become indispensable to all serious students of the treatise.'

PROF. BLASS IN THE LITERARISCHES CENTRALBLATT (*Leipzig*).—'Eine Augsgabe welche unzweifelhaft aufs Freudig te begrüsst werden wird. . . . Wir können nicht anderes als Sandys' Ausgabe aufs Beste und Angelegentlichste zu empfehlen.'

PROF. FERRINI IN THE ARCHIVIO GIURIDICO (*Pisa*).—'Mi sia lecito raccomandara a' filologi ed a' giuristi questa recentissima e splendida edizione dell' Ἀθηναίων Πολιτεία. Il Sandys s' è accinto a questo lavoro con tutto il corredo di una singolare erudizione filogia e storica e con un esame profondo di tutta la letteratura, ormai vastissima, intorno all' opera aristotlia cosi felicimente rienperata. . . . Io credo che chiunque si provvederà di questa edizione mi sarà grato del consiglio.'

A VOLUME OF THE JOHNS HOPKINS UNIVERSITY STUDIES IN HISTORICAL AND POLITICAL SCIENCE.

THE OLD ENGLISH MANOR: a Study in English Economic History.

By CHARLES MCLEAN ANDREWS, Ph.D., Associate in History in Bryn Mawr College. Royal 8vo. 6*s.* net.

ATHENÆUM.—'No more thorough or scholarly piece of work has appeared in the Johns Hopkins University studies than this excellent essay. It is a notable proof of the widespread interest taken in the subject of which it treats, that from Germany and Russia on the one side and from America on the other, we receive contributions to our knowledge of the English village community. Dr. Andrews' knowledge, not only of the original authorities, but also of all recent literature on his subject, is remarkable, while the fairness and the moderation of his views claim for him an attentive hearing. The best authorities have been consulted on every detail, and no pains spared to bring the work up to the latest results of historical research.

THE NATIONS AROUND ISRAEL.

By A. KEARY, Author of 'Early Egyptian History.' Crown 8vo. 3*s.* 6*d.*

BIOGRAPHIES OF EMINENT PERSONS.

Reprinted from the *TIMES*. Vol. I. 1870-1875, Vol. II. 1876-1881, Vol. III. 1882-1886, Vol. IV. 1887-1890. Crown 8vo. 3*s.* 6*d.* each.

THE LATEST VOLUMES OF THE CHEAPER EDITION OF THE 'ENGLISH CITIZEN' SERIES.

FOREIGN RELATIONS.

By SPENCER WALPOLE. Crown 8vo. 2*s.* 6*d.*

MACMILLAN & CO., London.

MESSRS. LONGMANS & CO.'S LIST.

WHERE THREE EMPIRES MEET: a Narrative of Recent Travel in Kashmir, Western Tibet, Baltistan, Ladak, Gilgit, and the adjoining Countries. By E. F. KNIGHT, Author of 'The Cruise of the Alerte' &c. With Map and 54 Illustrations. 8vo. 18*s.*

**** This work contains a description of a visit to the Lamaseries of Western Tibet, an explanation of our present policy in Kashmir and in the countries beyond Gilgit, and of the steps that are being taken to safeguard our interests on that portion of the north-west frontier of India.*

OUT OF DOORS IN TSAR LAND: a Record of the Seeings and Doings of a Wanderer in Russia. By FRED. J. WHISHAW. With Frontispiece and Vignette by CHARLES WHYMPER. Crown 8vo. *7s. 6d.*

NEW AND CHEAPER EDITION.

THE DIVORCE OF CATHERINE OF ARAGON: the Story as told by the Imperial Ambassador resident at the Court of Henry VIII. By J. A. FROUDE. Cabinet Edition. Crown 8vo. *6s.*

NEW AND CHEAPER EDITION.

THE MEMOIRS OF BARON DE MARBOT. Translated from the French. New and Cheaper Edition, slightly Abridged. One Volume. Crown 8vo. *7s. 6d.*

THE MEMOIRS OF JAMES, MARQUIS OF MONTROSE, 1639-1650. By the Rev. GEORGE WISHART, D.D. (Bishop of Edinburgh, 1662-1671). Translated, with Introduction, Notes, &c. and the original Latin (Part II. now first published), by the Rev. ALEXANDER D. MURDOCH, F.S.A. Scot. Canon of St. Mary's Cathedral, Edinburgh. Editor and Translator of the Grameid MS. and H. F. MORELAND SIMPSON, M.A. Cantab. F.S.A. Scot. Fettes College. 4to. [*In the press.*

A SHORT HISTORY OF IRELAND. By P. W. JOYCE, LL.D. Author of 'Irish Names of Places,' 'Old Celtic Romances,' &c. 2 vols. [*In the press.*

LITTLE RAJA'S PRIMER OF INDIAN HISTORY. By the Rev. G. U. POPE, D.D. Hon. M.A. (Oxon.) Sometime Fellow of the Madras University, Author of 'Longmans' School History of India' &c. Crown 8vo. [*In the press.*

A DICTIONARY OF APPLIED CHEMISTRY. By T. E. THORPE, B.Sc. (Vict.) Ph.D. D.Sc. (Dubl.) F.R.S. Professor of Chemistry in the Royal College of Science, London. Assisted by Eminent Contributors. In 3 vols. Vol. III. royal 8vo. £3. 3*s.*

STATICS AND DYNAMICS. By C. GELDARD, M.A. formerly Scholar of Trinity College, Cambridge, Mathematical Lecturer under the Non-Collegiate Students' Board, Cambridge. Crown 8vo. 5*s.*

TELEPHONE LINES AND THEIR PROPERTIES. By WILLIAM JOHN HOPKINS, Professor of Physics in the Drexel Institute of Art, Science, and Industry, Philadelphia. Crown 8vo. 6*s.*

PEOPLE'S BANKS: a Record of Social and Economic Success. By HENRY W. WOLFF. Crown 8vo. 7*s.* 6*d.*

'Every movement which has gained position upon the Continent in the endeavour to promote thrift and self-help is here described, and what is termed "Co-operative Credit" is explained in detail.'—DAILY TELEGRAPH.

EPOCHS OF AMERICAN HISTORY.

Edited by DR. ALBERT BUSHNELL HART, Assistant Professor of History in Harvard College, U.S.A.

THE COLONIES (1492-1750). By REUBEN GOLD THWAITES, Secretary of the State Historical Society of Wisconsin, Author of 'Historic Waterways' &c. Fcp. 8vo. 3*s.* 6*d.*

FORMATION OF THE UNION (1750-1829). By ALBERT BUSHNELL HART, A.B. Ph.D. the Editor of the Series. With 5 Maps. Fcp. 8vo. 3*s.* 6*d.*

DIVISION AND RE-UNION (1829-1889). By WOODROW WILSON, Ph.D. LL.D. Professor of Jurisprudence in Princeton College, Author of 'Congressional Government,' 'The State: Elements of Historical and Practical Politics,' &c. With 3 Maps. Fcp. 8vo. 3*s.* 6*d.*

EPOCHS MAPS, Illustrating American HISTORY. By ALBERT BUSHNELL HART, Ph.D. Assistant Professor of History in Harvard College. 14 Maps. Oblong 4to. 2*s.* 6*d.*

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street.

Messrs. Macmillan & Co.'s New Historical Works.

NEW BOOK BY MR. FREDERIC HARRISON.

ANNALS OF AN OLD MANOR HOUSE,

SUTTON PLACE, GUILDFORD.

By FREDERIC HARRISON.

Illustrated from the Original Drawings by WM. LUKER, Jun., W. NIVEN and C. FORSTER HAYWARD.

One Vol. Medium Quarto, printed on Handmade Paper and illustrated with numerous Plates, after original Drawings, Facsimiles, Head and Tail Pieces, &c. Price 42*s.* net.

BY MR. S. F. STEVENSON, M.P.

HISTORIC PERSONALITY.

By FRANCIS SEYMOUR STEVENSON, M.P. Crown 8vo. 4*s.* 6*d.*

NEW EDITION OF PROFESSOR DICEY'S WELL-KNOWN WORK.

LECTURES INTRODUCTORY TO THE STUDY OF THE LAW OF THE CONSTITUTION.

By A. V. DICEY, B.C.L., of the Inner Temple, Barrister-at-Law, Vinerian Professor of English Law, Fellow of All Souls, Oxford, Hon. LL.D. Glasgow. Fourth Edition, 8vo. 12*s.* 6*d.*

THE CITY-STATE OF THE GREEKS AND ROMANS: a Survey Introductory to the Study of Ancient History.

By W. WARD FOWLER, M.A., Fellow and Tutor of Lincoln College, Oxford. Crown 8vo. 5*s.*

WESTMINSTER GAZETTE.—'It is impossible within any available limits to give an adequate account of Mr. Fowler's treatment of his subject. We can but commend his treatise to our readers; and this we can do without reserve.'

SPEAKER.—'An unpretending but valuable little volume. . . . It contains a view of the development of city life through religion which we do not remember to have seen put so explicitly before, and it forms an excellent introduction to the study of Comparative Politics.'

CLASSICAL LIBRARY.—NEW VOLUME.

ARISTOTLE'S CONSTITUTION OF ATHENS.

A Revised Text, with an Introduction, Critical and Explanatory Notes, Testimonia and Indices, by JOHN EDWIN SANDYS, Litt.D., Fellow and Tutor of St. John's College, and Public Orator of the University of Cambridge. 8vo. 15*s.*

TIMES.—'The most elaborate edition that has yet been published. It is also one of the most scholarly and competent. . . . Will become indispensable to all serious students of the treatise.'

PROF. BLASS IN THE LITERARISCHES CENTRALBLATT (Leipzig).—'Eine Augsgabe welche unzweifelhaft aufs Freudig te begrüsst werden wird. . . . Wir können nicht anderes als Sandys' Ausgabe aufs Beste und Angelegentlichste zu empfehlen.'

PROF. FERRINI IN THE ARCHIVIO GIURIDICO (Pisa).—'Mi sia lecito raccomandara a' filelogi ed a' quiristi questa recentissima e splendida edizione dell' 'Αθηναίων Πολιτεία. Il Sandys s' è accinto a questo lavoro con tutto il corredo di una singolare erudizione filogia e storica e con un esame profondo di tutta la letteratura, ormai vastissima, intorno all' opera aristotlia cosi felicimente rienperata. . . . Io credo che chiunque si provvederà di questa edizione mi sarà grato dei consiglio.'

A VOLUME OF THE JOHNS HOPKINS UNIVERSITY STUDIES IN HISTORICAL AND POLITICAL SCIENCE.

THE OLD ENGLISH MANOR: a Study in English Economic History.

By CHARLES MCLEAN ANDREWS, Ph.D., Associate in History in Bryn Mawr College. Royal 8vo. 6*s.* net.

ATHENÆUM.—'No more thorough or scholarly piece of work has appeared in the Johns Hopkins University studies than this excellent essay. It is a notable proof of the widespread interest taken in the subject of which it treats, that from Germany and Russia on the one side and from America on the other, we receive contributions to our knowledge of the English village community. Dr. Andrews' knowledge, not only of the original authorities, but also of all recent literature on his subject, is remarkable, while the fairness and the moderation of his views claim for him an attentive hearing. The best authorities have been consulted on every detail, and no pains spared to bring the work up to the latest results of historical research.

THE NATIONS AROUND ISRAEL.

By A. KEARY, Author of 'Early Egyptian History.' Crown 8vo. 3*s.* 6*d.*

BIOGRAPHIES OF EMINENT PERSONS.

Reprinted from the *TIMES*. Vol. I. 1870-1875, Vol. II. 1876-1881, Vol. III. 1882-1886, Vol. IV. 1887-1890. Crown 8vo. 3*s.* 6*d.* each.

THE LATEST VOLUMES OF THE CHEAPER EDITION OF THE 'ENGLISH CITIZEN' SERIES.

FOREIGN RELATIONS.

By SPENCER WALPOLE. Crown 8vo. 2*s.* 6*d.*

MACMILLAN & CO., London.

ANTIQUITÄTEN-ZEITUNG

in Stuttgart, Central-Organ für Sammelwesen. Sehr reichhaltig. Berichtet über Sammelobjecte aller Art. Verbürgte Auflage 3,000. Erscheint wöchentlich. Vierteljährlich M. 2.50. Nonpareille-Zeile 20 pfg. Einzelne Nummern 50 pfg. Agenten und Mitarbeiter gesucht.

UDO BECKERT,
VERLAGSBUCHHANDLUNG, STUTTGART.

NEW HISTORICAL BOOKS.

NEW AND CHEAPER EDITION.

The Spanish Story of the Armada, and other Essays. JAMES ANTHONY FROUDE. Cabinet Edition. Crown 8vo. 6*s*.

CONTENTS:—1. Spanish Story of the Armada—2. Antonio Perez: an Unsolved Historical Riddle—3. Saint Teresa—4. The Templars—5. The Norway Fjords—6. Norway once more.

NEW AND CHEAPER EDITION.

The Divorce of Catherine of Aragon: the Story as told by the Imperial Ambassadors resident at the Court of Henry VIII. *In usum Laicorum.* By J. A. FROUDE. Cabinet Edition. Crown 8vo. 6*s*.

'With great freshness and dramatic vividness, the startling episodes which marked the memorable struggle between HENRY and the Emperor and Pope are unfolded in this fascinating volume.'—LEEDS MERCURY.

Memoirs of the Verney Family during the Civil War. Compiled from the Letters and Illustrated by the Portraits at Claydon House, Bucks. By FRANCES PARTHENOPE VERNEY. With a Preface by S. R. GARDINER, M.A. LL.D. With 38 Portraits, Woodcuts, and Facsimiles. 2 vols. 8vo. 42*s*.

'A charming picture of life and manners during a most engrossing period of English history. Fiction has more than once availed herself of the events of the Civil War; it has never produced anything that surpasses the real, living interest of these delightful volumes.'—GLASGOW HERALD.

The Memoirs of the Baron de Marbot, late Lieutenant-General in the French Army. Translated from the French by ARTHUR JOHN BUTLER, late Fellow of Trinity College, Cambridge. Fourth and Cheaper Edition. Slightly abridged. One Volume. Crown 8vo. 7*s*. 6*d*.

'Delightful Memoirs. . . . One of the most entertaining books we have read of late.'—ATHENÆUM.
'We cannot recall a work of fact or fiction so charged with thrilling adventures and escapes.'—TIMES.

Geoffrey de Mandeville: a Study of the Anarchy. By J. H. Round, M.A. Author of 'The Early Life of Anne Boleyn: a Critical Essay.' 8vo. 16*s*.

'Mr. Round treats his subject with great learning and acumen.'—TIMES.
'A solid contribution to historical learning for which students will feel grateful.'—NOTES AND QUERIES.
'A work marked by the most patient research, as well as by the closest reasoning.'—GLASGOW HERALD.

Elizabeth Farnese: 'the Termagant of Spain.' By EDWARD ARMSTRONG, M.A. Fellow of Queen's College, Oxford. 8vo. 16*s*.

'An elaborate and painstaking study of European politics and diplomacy in the eighteenth century.'—TIMES.
'Mr. Armstrong has chosen the best possible method to make the period interesting and intelligible by grouping its history round one of the most picturesque and powerful personalities of the time.'—ST. JAMES'S GAZETTE.

CABINET EDITION OF MR. LECKY'S 'ENGLAND.'

The History of England in the Eighteenth Century. By WILLIAM E. H. LECKY. Cabinet Edition. 12 vols. crown 8vo. 6*s*. each. (ENGLAND, 7 vols. Ireland 5 vols.)

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street.

ROCK LIFE ASSURANCE COMPANY.

ESTABLISHED 1806.

DIRECTORS.

JOHN WOLFE BARRY, ESQ.
WILFRID ARTHUR BEVAN, ESQ.
GEORGE PARKER BIDDER, ESQ. Q.C.
THE HON. WM. ST. JOHN F. BRODRICK, M.P.
GEORGE CROSHAW, ESQ.
ARTHUR JONES LAURENCE, ESQ.
CHARLES THOMAS LUCAS, ESQ.
THE RIGHT HON. LORD MONK BRETTON.
CUTHBERT EDGAR PEEK, ESQ.
SIR CHARLES RUGGE-PRICE, BART.
THE HON. CHARLES HEDLEY STRUTT.
SAMUEL HARVEY TWINING, ESQ.

ACTUARY.
GEORGE S. CRISFORD, ESQ.

ASSISTANT ACTUARY.
ARTHUR B. WOODS, ESQ.

IMMEDIATE PAYMENT OF CLAIMS.

PAID in CLAIMS, upwards of £10,000,000.
PROFITS divided among Policy-holders, upwards of £3,899,000.

THE PERFECT POLICY,

INDISPUTABLE—NON-FORFEITABLE.

Securing a Capital Sum down, Annuity or Pension, Marriage Settlement, Family Endowment, or Provision in case of death.

LEASEHOLD POLICIES.

MAKING LEASEHOLD PROPERTY AS VALUABLE AS FREEHOLD.

CHIEF OFFICE.

15 NEW BRIDGE STREET, LONDON, E.C.

West End Agency: 27 CHARLES STREET, ST. JAMES'S.

BRANCH OFFICES.

MANCHESTER: Guardian Buildings.
LEEDS: 88 Albion Street. GLASGOW: 107 Buchanan Street.
BIRMINGHAM: 50 Cherry Street. BELFAST: 3 High Street.

GEORGE S. CRISFORD, *Actuary.*

APPLICATIONS FOR AGENCIES INVITED.

JOHN C. NIMMO'S NEW BOOKS.

In 1 vol. small 4to. cloth, gilt top, with Portrait and Four Illustrations, price 10s. 6d net.

Also a few Large-Paper Copies, on Arnold's hand-made paper in royal 8vo. cloth, uncut edges. Each numbered.

WALT WHITMAN: A STUDY.

BY JOHN ADDINGTON SYMONDS.

In 1 vol. demy 8vo. cloth, gilt top, price 21s. net, with Seven Etchings and Three Photo-Etchings printed on Japanese paper.

Also a few Large-paper Copies, in super-royal 8vo. cloth, uncut edges, with Etchings printed as proofs before letters. Each numbered.

JOAN OF ARC.

BY LORD RONALD GOWER, F.S.A., a Trustee of the National Portrait Gallery.

THE SECOND EDITION OF JOHN ADDINGTON SYMONDS'S NEW WORK.

In 2 vols. demy 8vo. with Fifty Illustrations, bound in cloth, gilt top, price 21s. net.

THE LIFE OF MICHELANGELO BUONARROTI.

Based on Studies in the Archives of the Buonarroti Family at Florence. With Portrait and Fifty Reproductions of the Works of the Master.

PREFACE TO SECOND EDITION.

The First Edition of this work having been exhausted in a space of little over three months I take this opportunity of saying that the critical notices which have hitherto appeared do not seem it necessary to make any substantial changes in the text. A few points of difference between reviewers and myself, concerning opinion rather than facts, are briefly discussed in a series notes printed at the end of Volume II.

London: JOHN C. NIMMO, 14 King William Street, Strand.

MESSRS. LONGMANS & CO.'S LIST.

SECOND SERIES OF BISHOP WORDSWORTH'S REMINISCENCES.

ANNALS OF MY LIFE. By CHARLES WORDSWORTH, D.C.L. late Bishop of St. Andrews. Second Series. 1847–1856. Edited by W. EARL HODSON. 8vo. 10*s.* 6*d.*

[*In a few days.*

This volume will contain the whole of the materials as left by the Bishop at the time of his death, and will cover a period of about ten years from the conclusion of the First Series of the 'Annals,' which ended with the year 1846.

NEW BOOK BY THE LATE DR. LIDDON.

EXPLANATORY ANALYSIS OF ST. PAUL'S EPISTLE TO THE ROMANS. By HENRY PARRY LIDDON, D.D. D.C.L. LL.D. late Canon and Chancellor of St. Paul's. 8vo. 14*s.*

THE BAMPTON LECTURES 1892.

SOME LIGHTS OF SCIENCE ON THE FAITH: being the Bampton Lectures for 1892. By the Right Rev. ALFRED BARRY, D.D. Canon of Windsor; formerly Bishop of Sydney, Metropolitan of New South Wales, and Primate of Australia. 8vo. 12*s.* 6*d.*

THE FINAL PASSOVER: a Series of Meditations upon the Passion of our Lord Jesus Christ. By the Rev. R. M. BENSON, M.A. Student of Christ Church, Oxford. Vol. III.—THE DIVINE EXODUS. Part I. small 8vo. 5*s.* [*In the press.*

NICHOLAS FERRAR: his Household and his Friends. Edited by the Rev. T. T. CARTER, M.A. Hon. Canon of Christ Church, Oxford. With Portrait, engraved after a picture by Cornelius Janssen, at Magdalene College, Cambridge. Crown 8vo. 6*s.*

'The work is exceedingly well done; the author's style is scholarly and lively, and she has shown excellent judgment.'—CHURCH QUARTERLY REVIEW.

THE DECALOGUE. By ELIZABETH WORDSWORTH, Principal of Lady Margaret Hall, Oxford, Author of 'Illustrations of the Creed.' Crown 8vo. 4*s.* 6*d.*

'We have seldom read a more thoroughly healthy book. . . . These addresses may fairly rank with pulpit utterances of a high order. We feel sure that there are many clergy who, as they read them, will be inclined to envy [illegible] worth her fertility of resource, and the power which she displays of laying a very wide range [illegible] tion in order to furnish illustrations to brighten and enforce her remarks.'—GUARDIAN.

CANONICAL AND UNCANONICAL GOSPELS. With a Translation of the recently discovered Fragment of the 'Gospel of St. Peter,' and a selection from the Sayings of our Lord not recorded in the Four Gospels. By W. E. B[illegible], D.D. Fellow of Peterhouse, and Theological Lecturer of Clare College, Cambridge. Crown 8vo. 3*s.* 6*d.*

THE CREED OR A PHILOSOPHY. By the Rev. THOMAS MOZELEY, M.A. Author of 'Reminiscences of Oriel College,' &c. Crown 8vo. 7*s.* 6*d.*

'In all that Mr. Mozley writes, there is a rare literary skill, almost unsurpassed, in our judgment, among living writers, which is as conspicuous as ever in these his latest pages.'—TIMES.

THE PRIMITIVE SAINTS AND THE SEE OF ROME. By F. W. PULLER, M.A. Mission Priest of the Society of St. John Evangelist, Cowley, Oxford. Crown 8vo. [*In the press.*

THROUGH CONVERSION TO THE CREED: being a brief Account of the Reasonable Character of Religious Conviction. By W. H. CARNEGIE, B.A. Rector of Great Witley, Worcestershire. Crown 8vo. 3*s.*

A MEMOIR OF THE REV. JAMES G. LONSDALE, late FELLOW AND TUTOR OF BALLIOL COLLEGE, OXFORD. By RUSSELL DUCKWORTH, B.A. Trinity College, Cambridge. With an Introduction by Hon. G. C. BRODRICK, Warden of Merton College, Oxford. With Portrait. Crown 8vo. [*In the press.*

NEW BOOK BY BISHOP ASHTON OXENDEN.

PLAIN SERMONS. By the Right Rev. ASHTON OXENDEN, D.D. formerly Bishop of Montreal and Metropolitan of Canada. With Memoir and Portrait. Crown 8vo. [*In the press.*

PROFESSOR MAX MÜLLER'S FOURTH SERIES OF GIFFORD LECTURES.

THEOSOPHY OR PSYCHOLOGICAL RELIGION: the Gifford Lectures delivered before the University of Glasgow in 1892. By F. MAX MÜLLER, Professor of Comparative Philology in the University of Oxford. [*Nearly ready.*

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street.

PUBLICATIONS OF THE CLARENDON PRESS

Just published. Demy 4to. half leather, gilt top, £2. 7s. net.
(150 *Numbered Copies only are for sale.*)

WADHAM COLLEGE, OXFORD: ITS FOUNDATION, ARCHITECTURE, AND HISTORY. With an Account of the Family of Wadham, and their Seats in Somerset and Devon. By T. G. JACKSON, A.R.A., Architect; sometime Fellow and now Honorary Fellow of Wadham College; Author of 'Dalmatia, the Quarnero and Istria,' &c. &c. With numerous Illustrations.

HISTORY OF THE DOMINION OF CANADA. By W. PARR GRESWELL, M.A., under the Auspices of the Royal Colonial Institute. With 11 Maps. Crown 8vo. 7s. 6d.

GEOGRAPHY OF THE DOMINION OF CANADA AND NEWFOUNDLAND. By the same Author. With 10 Maps. Crown 8vo. 6s.
'A clear and explicit account of the geography of Canada and Newfoundland.'—SPEAKER.

GEOGRAPHY OF AFRICA SOUTH OF THE ZAMBESI. By the same Author. With Maps. Crown 8vo. 7s. 6d.

NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES. Founded mainly on the Materials collected by the Philological Society.

NEW PARTS.

VOLUME II. Part VI. (CLO—CONSIGNER). Imperial 4to. stiff covers, 12s. 6d. Edited by JAMES A. H. MURRAY, M.A., LL.D., &c.

VOLUME III. Part I. (E—EVERY). Imperial 4to. 12s. 6d. Edited by HENRY BRADLEY, M.A., with the co-operation of Dr. MURRAY.

WORKS BY THE LATE PROFESSOR FREEMAN.

NEW VOLUME OF 'THE HISTORY OF SICILY.'

Vol. III. Demy 8vo. cloth, with Maps, 21s. (Vols. I. and II. £2. 2s. Not sold separately.)

THE HISTORY OF SICILY FROM THE EARLIEST TIMES. By the late EDWARD A. FREEMAN, M.A., Hon. D.C.L., LL.D., Regius Professor of Modern History, Fellow of Trinity College, Honorary Fellow of Trinity College. With Maps.

Vol. I.—THE NATIVE NATIONS: THE PHOENICIAN AND GREEK SETTLEMENTS.

Vol. II.—FROM THE BEGINNING OF GREEK SETTLEMENT TO THE BEGINNING OF ATHENIAN INTERVENTION.

Vol. III.—THE ATHENIAN AND CARTHAGINIAN INVASIONS.

'It constitutes such a monument of life-long labour, of disinterested study, of single-minded devotion to high and liberal pursuits, of commanding historical capacity, as few Englishmen of our time can hope to rival.'—THE TIMES.

HISTORY OF THE NORMAN CONQUEST OF ENGLAND: its Causes and Results. In 6 vols. demy 8vo. £5. 9s. 6d.

THE REIGN OF WILLIAM RUFUS AND THE ACCESSION OF HENRY THE FIRST. 2 vols. demy 8vo. £1. 16s.

A SHORT HISTORY OF THE NORMAN CONQUEST OF ENGLAND. Second Edition. Extra fcap. 8vo. 2s. 6d.

Now ready, Vol. I., crown 8vo. cloth, 10s. 6d.

TWO OF THE SAXON CHRONICLES PARALLEL, with Supplementary Extracts from the others. A Revised Text. Edited by CHARLES PLUMMER, M.A., on the basis of an Edition by JOHN EARLE, M.A.

'It is as thorough and scholarly a piece of work as could possibly be done.'—SATURDAY REVIEW.

New Edition, Revised, crown 8vo. cloth, 10s. 6d.

PRINCIPLES OF ENGLISH ETYMOLOGY. First Series. The NATIVE ELEMENT. By the Rev. WALTER W. SKEAT, Litt D., LL.D. Edin., M.A. Oxon, Elrington and Bosworth Professor of Anglo-Saxon in the University of Cambridge.

SECOND SERIES. THE FOREIGN ELEMENT. 10s. 6d.

'The best guide to English etymology that has yet appeared.'—ACADEMY.

Recently published, demy 8vo. cloth, 12s. 6d.

A NEW EDITION OF

THE LAW AND CUSTOM OF THE CONSTITUTION. Part I. PARLIAMENT. Edited by Sir W. R. ANSON, Bart., D.C.L., of the Inner Temple, Barrister-at-Law, and Warden of All Souls College, Oxford.

Part II. THE CROWN. By the same Author.

LANCASTER AND YORK: A CENTURY OF ENGLISH HISTORY (A.D. 1399-1485). By Sir JAMES H. RAMSAY of Bamff, Bart., M.A., Barrister-at-Law; late Student of Christ Church. With Maps and Illustrations. 2 vols. demy 8vo. 36s.

FULL CATALOGUES POST FREE ON APPLICATION.

London: HENRY FROWDE, Clarendon Press Warehouse, Amen Corner, E.C.

SPOTTISWOODE & CO. PRINTERS, NEW-STREET SQUARE, LONDON.

The English Historical Review Advertiser.
JULY 1893.

Messrs. Macmillan & Co.'s New Historical Books.

WILLIAM GEORGE WARD AND THE CATHOLIC REVIVAL.

By WILFRID WARD. 8vo. 14*s.*

SPECTATOR.—'One of the most effective pieces of pictorial biography and exposition of a great movement which it has ever fallen to the lot of the present writer to read.'

NATIONAL OBSERVER.—'To all who take any interest in the history of religious thought during the last fifty years, these pages afford most valuable material for reflection. . . . The various stages of protracted controversies are here brought into true perspective, and are so carefully and intelligently reviewed as to supply the greatest aid towards grasping the whole intellectual situation.'

BY THE SAME AUTHOR.

WILLIAM GEORGE WARD AND THE OXFORD MOVEMENT.

With a Portrait. New Edition, with Additions. 8vo. 14*s.*

TWELVE ENGLISH STATESMEN.—NEW VOLUME.

EDWARD I.

By T. F. TOUT, M.A., Professor of History, the Owens College, Manchester. Crown 8vo. 2*s.* 6*d.*

TIMES.—'To the Series already distinguished by such brilliant Essays as those of Lord Rosebery on Pitt, of Mr. Frederic Harrison on Oliver Cromwell, and of Mr. Morley himself on Walpole, Professor Tout contributes a volume not unworthy to rank with its companions in point of solid substance and historical insight.'

PREVIOUSLY PUBLISHED IN THE SAME SERIES:—

WILLIAM THE CONQUEROR. By EDWARD A. FREEMAN, D.C.L., LL.D.
HENRY II. By Mrs. J. R. GREEN.
HENRY VII. By JAMES GAIRDNER.
CARDINAL WOLSEY. By Bishop CREIGHTON.
ELIZABETH. By E. S. BEESLY.
OLIVER CROMWELL. By FREDERIC HARRISON.
WILLIAM III. By H. D. TRAILL.
WALPOLE. By JOHN MORLEY.
CHATHAM. By JOHN MORLEY. [*In preparation.*
PITT. By Lord ROSEBERY.
PEEL. By J. R. THURSFIELD.

NEW EDITION, THOROUGHLY REVISED.

THE AMERICAN COMMONWEALTH.

By JAMES BRYCE, M.P., D.C.L., late Regius Professor of Civil Law in the University of Oxford. 2 vols. extra crown 8vo. Vol. I. 12*s.* 6*d.*

Part I. THE NATIONAL GOVERNMENT.
Part II. THE STATE GOVERNMENTS.
Part III. THE PARTY SYSTEM.
Part IV. PUBLIC OPINION.
Part V. ILLUSTRATIONS AND REFLECTIONS.
Part VI. SOCIAL INSTITUTIONS.

SPEAKER.—'The new edition has evidently undergone in every page the most careful revision. Mr. Bryce gives us the latest information on the constitutional history and political development. Indeed, the changes are so many, and some of them so important, that possessors of the old edition will do well to purchase the new.'

TIMES.—'Mr. Bryce's volumes belong to a very small and rare class. They challenge, and they merit, the most careful examination . . . for a long time to come, we are confident, this will be the classical work upon a subject the interest in which cannot diminish.'

HISTORY OF FEDERAL GOVERNMENT IN GREECE AND ITALY

With a General Introduction. By E. A. FREEMAN, D.C.L., LL.D., late Regius Professor of Modern History, Oxford. New Edition. Edited by J. B. BURY, M.A., Fellow of Trinity College, Dublin. Extra crown 8vo. 12*s.* 6*d.*

THE CITY-STATE OF THE GREEKS AND ROMANS: a Survey Introductory to the Study of Ancient History.

By W. WARDE FOWLER, M.A., Fellow and Tutor of Lincoln College, Oxford. Crown 8vo. 5*s.*

TIMES.—'The purpose is excellent, and Mr. Warde Fowler executes it in a very skilful and scholarly fashion.'

WESTMINSTER GAZETTE.—'It is impossible within any available limits to give an adequate account of Mr. Fowler's treatment of his subject. We can but commend his treatise to our readers; and this we can do without reserve.'

FOR THE QUINCENTENARY OF WINCHESTER COLLEGE.

THE ANCIENT WAYS.—WINCHESTER FIFTY YEARS AGO.

By the Rev. W. TUCKWELL, M.A., Rector of Stockton, late Fellow of New College, Oxford. Illustrated. Globe 8vo. 4*s.* 6*d.*

MEMOIRS OF MY INDIAN CAREER.

By Sir GEORGE CAMPBELL, M.P., K.C.S.I., D.C.L. Edited by Sir CHARLES E. BERNARD. 2 vols. 8vo. With portrait and map. 21*s.* net.

ATHENÆUM.—'These present Memoirs tell of a busy and profitable career which, as his editor truly remarks, left a permanent mark for good on the administration of Bengal, the Central Provinces, Oude, and part of the Punjab, and we would add, the memory of an energetic and earnest worker among a still wider circle of his fellow-countrymen.'

BIOGRAPHIES OF EMINENT PERSONS.

Reprinted from the *Times*. Vol. I. 1870–1875; Vol. II. 1876–1881; Vol. III. 1882-18 6; Vol. IV. 1886–1890. Crown 8vo. 3*s.* 6*d.* each.

ANNUAL SUMMARIES.

Reprinted from the *Times*. Vol. I. 1851–1875. Crown 8vo. 3*s.* 6*d.* [*Vol. II. shortly.*

MACMILLAN & CO., London.

MESSRS. LONGMANS & CO.'S LIST.

NEW BOOK BY THE LATE DR. LIDDON.

EXPLANATORY ANALYSIS OF ST. PAUL'S EPISTLE TO THE ROMANS. By HENRY PARRY LIDDON, D.D. D.C.L. LL.D. late Canon and Chancellor of St. Paul's. 8vo. 14*s.*

THE BAMPTON LECTURES 1892.

SOME LIGHTS OF SCIENCE ON THE FAITH: being the Bampton Lectures for 1892. By the Right Rev. ALFRED BARRY, D.D. Canon of Windsor; formerly Bishop of Sydney, Metropolitan of New South Wales, and Primate of Australia. 8vo. 12*s.* 6*d.*

NICHOLAS FERRAR: his Household and his Friends. Edited by the Rev. T. T. CARTER, M.A. Hon. Canon of Christ Church, Oxford. With Portrait, engraved after a picture by Cornelius Janssen, at Magdalene College, Cambridge. Second Edition. Crown 8vo. 6*s.*

CANONICAL AND UNCANONICAL GOSPELS. With a Translation of the recently discovered Fragment of the 'Gospel of St. Peter,' and a Selection from the Sayings of our Lord not recorded in the Four Gospels. By W. E. BARNES, B.D. Theological Lecturer at Clare College, Cambridge. Crown 8vo. 3*s.* 6*d.*

THROUGH CONVERSION TO THE CREED: being a brief Account of the Reasonable Character of Religious Conviction. By W. H. CARNEGIE, B.A. Rector of Great Witley, Worcestershire. Crown 8vo. 3*s.*

THE CREED OR A PHILOSOPHY. By the Rev. THOMAS MOZELEY, M.A. Author of 'Reminiscences of Oriel College,' &c. Crown 8vo. 7*s.* 6*d.*

THE PRIMITIVE SAINTS AND THE SEE OF ROME. By F. W. PULLER, M.A. Mission Priest of the Society of St. John Evangelist, Cowley, Oxford. Crown 8vo. 7*s.* 6*d.*

SERMONS. By the late Rev. JAMES LONSDALE, M.A. formerly Fellow of Balliol College, Oxford. Selected and Edited by the Rev. EDWARD L. BRYANS, M.A. Rector of Quedgeley, Gloucestershire. Crown 8vo. 6*s.*

*** *A Memoir of the Rev. James G. Lonsdale, by Russell Duckworth, B.A. has recently been published. Crown* 8vo. 6*s.*

THE FINAL PASSOVER: a Series of Meditations upon the Passion of our Lord Jesus Christ. By the Rev. R. M. BENSON, M.A. Student of Christ Church, Oxford. Small 8vo.

Vol. I.—THE REJECTION. 5*s.*

Vol. II.—THE UPPER CHAMBER. [*In preparation.*

Vol. III.—THE DIVINE EXODUS. Parts I. and II. 5*s.* each.

Vol. IV.—THE LIFE BEYOND THE GRAVE. 5*s.*

THE CHURCH AND HER TEACHING: a Series of Addresses delivered in Cornwall by the Rev. C. H. ROBINSON, M.A. Vice-Chancellor of Truro Cathedral. With an Introduction by the LORD BISHOP OF TRURO. Small 8vo. 2*s.*

THE ORDER AND CONNEXION OF THE CHURCH'S TEACHING, as set forth in the Arrangement of the Epistles and Gospels throughout the Year. By ANDREW JUKES, Author of 'The Types of Genesis,' 'The Restitution of All Things,' &c. &c. Crown 8vo. 2*s.* 6*d.*

THE COMMUNION OF SAINTS: a Lost Link in the Chain of the Church's Creed. By the Rev. WYLLYS REDE, M.A. With a Preface by Lord HALIFAX. Crown 8vo. [*In the press.*

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street.

MESSRS. LONGMANS & CO.'S LIST.

CABINET EDITION OF GARDINER'S 'GREAT CIVIL WAR.'

HISTORY OF THE GREAT CIVIL WAR, 1642–1649.

By SAMUEL R. GARDINER,

M.A. Hon. LL.D. Edinburgh, Ph.D. Göttingen, Fellow of Merton College, Honorary Student of Christ Church, Fellow of King's College, London.

CABINET EDITION. With New Preface. In 4 Monthly Vols. Crown 8vo. 6*s.* each.
Vol. I. *now ready.*

THE ANNUAL REGISTER: a Review of Public Events at Home and Abroad, for the Year 1892. 8vo. 18*s.*

*** *The first Part of this Volume (pp. 1–189) is devoted to a résumé of the Political History of England during the year 1892. The events of Parliamentary Life are noted, and the principal speeches summarised. Foreign and Colonial History are dealt with in pages 190–383. In the Second Part a Chronological Summary is given of the principal events of the year, both foreign and domestic; this is followed by a Retrospect of Literature, Science, and Art, and an Obituary of Eminent Persons. A full Index, which is an important feature of the book, adds very materially to its value as a work of reference.*

*** Volumes of the ANNUAL REGISTER for the Years 1863–1891 can still be had. Price 18*s.* each.

A SHORT HISTORY OF IRELAND, from the Earliest Times to 1608. By P. W. JOYCE, LL.D. Author of 'Irish Names of Places,' 'Old Celtic Romances,' &c. With a Map. Crown 8vo. 10*s.* 6*d.* [*In a few days.*

PAROCHIAL SELF-GOVERNMENT IN RURAL DISTRICTS: Argument and Plan. By HENRY C. STEPHENS, M.P. 4to. 12*s.* 6*d.*

A DICTIONARY OF APPLIED CHEMISTRY. By T. E. THORPE, B.Sc. (Vict.) Ph.D. D.Sc. (Dubl.) F.R.S. Professor of Chemistry in the Royal College of Science, London. Assisted by Eminent Contributors. In 3 vols. Vol. III. royal 8vo. £3. 3*s.*

NEW AND CHEAPER EDITION.

THE DIVORCE OF CATHERINE OF ARAGON: the Story as told by the Imperial Ambassadors resident at the Court of Henry VIII. By J. A. FROUDE. Cabinet Edition. Crown 8vo. 6*s.*

NEW AND CHEAPER EDITION.

THE MEMOIRS OF BARON DE MARBOT. Translated from the French by ARTHUR JOHN BUTLER, M.A. New and Cheaper Edition, slightly Abridged. 1 vol. crown 8vo. 7*s.* 6*d.*

AN ENCHANTED CASTLE, AND OTHER POEMS: Pictures, Portraits, and People in Ireland. By SARAH PIATT. Small 8vo. 3*s.* 6*d.*

NEW NOVELS.

NEW NOVEL BY A. CONAN DOYLE.

THE REFUGEES: a Tale of Two Continents. By A. CONAN DOYLE, Author of 'Micah Clarke' &c. 3 vols. crown 8vo. 25*s.* 6*d.*

'Dr. Conan Doyle's motto is "action, action, action!" He gives us skilfully recounted and swiftly changing dramas, in which no time is wasted. . . . The vivid colour, the historical research, and the picturesque imagination displayed in this novel are beyond question. Held captive by the changes and charms of the story, the reader forgets that he is imbibing history, or something as near history as can be expected of a novelist.'—TIMES.

NEW BOOK BY THE AUTHOR OF 'JOHN WARD.'

MR. TOMMY DOVE; and other Stories. By MARGARET DELAND, Author of 'John Ward' &c. Crown 8vo. 6*s.*

'"Mr. Tommy Dove" is a masterpiece, and each of the stories show Mrs. Deland's peculiar qualities—her ability of finely reading motives, of watching the life that stirs under quiet surfaces.'—BOOKMAN.

NEW NOVEL BY THE AUTHOR OF 'DORRIE.'

SWEETHEART GWEN: a Welsh Idyll. By WILLIAM TIREBUCK, Author of 'Dorrie' &c. Crown 8vo. 6*s.*

'A quaint and original story. . . . The story of Mark's life at the Welsh farm is a very real and faithful narrative and picture, singularly vivid, and full of richly humorous incidents and descriptions. The book is unique—not to be classed, and not easily to be described; but it is as original in manner and matter as it is fresh and fascinating.'—SCOTSMAN.

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street

ROCK LIFE ASSURANCE COMPANY.

ESTABLISHED 1806.

DIRECTORS.

JOHN WOLFE BARRY, Esq.
WILFRID ARTHUR BEVAN, Esq.
GEORGE PARKER BIDDER, Esq. Q.C.
THE HON. WM. ST. JOHN F. BRODRICK, M.P.
GEORGE CROSHAW, Esq.
ARTHUR JONES LAURENCE, Esq.
CHARLES THOMAS LUCAS, Esq.
THE RIGHT HON. LORD MONK BRETTON.
CUTHBERT EDGAR PEEK, Esq.
SIR CHARLES RUGGE-PRICE, Bart.
THE HON. CHARLES HEDLEY STRUTT.
SAMUEL HARVEY TWINING, Esq.

ACTUARY.
GEORGE S. CRISFORD, Esq.

ASSISTANT ACTUARY.
ARTHUR B. WOODS, Esq.

IMMEDIATE PAYMENT OF CLAIMS.

PAID in CLAIMS, upwards of £10,000,000.
PROFITS divided among Policy-holders, upwards of £3,899,000.

THE PERFECT POLICY,

INDISPUTABLE—NON-FORFEITABLE.

Securing a Capital Sum down, Annuity or Pension, Marriage Settlement, Family Endowment, or Provision in case of death.

LEASEHOLD POLICIES.

MAKING LEASEHOLD PROPERTY AS VALUABLE AS FREEHOLD.

CHIEF OFFICE.

15 NEW BRIDGE STREET, LONDON, E.C.

West End Agency: 27 CHARLES STREET, ST. JAMES'S.

BRANCH OFFICES.

MANCHESTER: Guardian Buildings.
LEEDS: 88 Albion Street. GLASGOW: 107 Buchanan Street.
BIRMINGHAM: 50 Cherry Street. BELFAST: 3 High Street.

GEORGE S. CRISFORD, *Actuary.*

APPLICATIONS FOR AGENCIES INVITED.

WANTED TO PURCHASE.

ENGLISH HISTORICAL REVIEW. A Series or any Single Parts.

JOURNAL OF PHILOLOGY. 1872 to 1879.

THE ACADEMY (Literary Journal). Any Vols.

THE CONTEMPORARY REVIEW. 1866 to 1871. Any.

G. BUCKLE, 60 Stanhope Street, Newcastle Street, London, W.C.

ANTIQUITÄTEN-ZEITUNG

in Stuttgart, Central-Organ für Sammelwesen. Sehr reichhaltig. Berichtet über Sammelobjecte aller Art. Verbürgte Auflage 3,000. Erscheint wöchentlich. Vierteljährlich M. 2.50. Nonpareille-Zeile 20 pfg. Einzelne Nummern 50 pfg. Agenten und Mitarbeiter gesucht.

UDO BECKERT,
VERLAGSBUCHHANDLUNG, STUTTGART.

N° 32, Vol. VIII., October 1893

The English Historical Review

EDITED BY

S. R. GARDINER, M.A., LL.D.

FELLOW OF MERTON COLLEGE, OXFORD

ASSISTED BY

REGINALD L. POOLE, M.A., PH.D.

...erican Editor, JUSTIN WINSOR, LL.D., Librarian of Harvard College, Cambridge, Massachusetts

CONTENTS

...ticles PAGE

THE SETTLEMENT OF THE CISTERCIANS IN ENGLAND. *By Miss A. M. Cooke* 625

WACE AND HIS AUTHORITIES. *By J. H. Round* 677

THE SECURITY OF COPYHOLDERS IN THE FIFTEENTH AND SIXTEENTH CENTURIES. *By I. S. Leadam* 684

FATHER WILLIAM CRICHTON, S.J. *By T. G. Law* 697

NAPOLEON AND ENGLISH COMMERCE. *By J. H. Rose* 704

...tes and Documents—History from the Charter Roll: by Professor Maitland, LL.D.—The Parliamentary Privilege of Freedom from Arrest and Sir Thomas Shirley's Case: by G. W. Prothero—The Flight of Princess Anne (1688): by J. R. Tanner—The House Community in Upper Aragon: by the Rev. Wentworth Webster 726

...view of Books—*Abbott*, History of Greece, II: by J. W. Headlam—*Fowler*, Julius Caesar: by W. T. Arnold—*Voigt*, Römische Rechtsgeschichte, I: by H. Bond, LL.D.—*Lamprecht*, Deutsche Geschichte, II, III: by J. Tait—*Brown*, Venice: by Professor Tout—Notes on the Oxfordshire Domesday: by J. H. Round—*Röhricht*, Regesta Regni Hierosolymitani: by T. A. Archer—*Lea*, Superstition and Force; and *La Mantia*, Ordines Judiciorum Dei: by Professor Maitland—*Fabre*, Le Liber Censuum de l'Église Romaine: by Miss Bateson—*Gross*, The Office of Coroner: by Professor Maitland—*Meyer*: Guillaume le Maréchal, I: by F. York Powell—*Rodenberg*, Innocenz IV. und das Königreich Sicilien: by Count U. Balzani—Statutes of Lincoln Cathedral: by R. L. Poole—*Eubel's* Provinciale Fratrum Minorum: by A. G. Little—*Kitchin's* Compotus Rolls of St. Swithun's, Winchester; and *Kirk's* Accounts of Abingdon Abbey: by the Rev. T. S. Holmes—*Baucher de Molandon & Beaucorps*, L'Armée Anglaise vaincue par Jeanne d'Arc: by J. Gairdner—*Oliveira Martins*, Explorations des Portugais: by Major Hume—*Jacqueton*, Politique extérieure de Louise de Savoie: by J. Gairdner—*Winsor*, Cartier's Voyages: by J. A. Doyle—*Moutarde*, Eglises réformées de Saujon: by E. Armstrong—*Knuttel*, Toestand der Nederlandsche Katholieken: by the Rev. G. Edmundson—*Jackson*, Wadham College: by R. L. Poole—*Sprott*, Worship of the Church of Scotland (1638-1661): by the Editor—*Hamilton*, Calendar of State Papers (1648-9): by C. H. Firth—*Comte*, Mazarin et Colbert: by H. O. Wakeman—*Clark*, Life of Anthony Wood, II: by C. H. Firth—*Mahan*, Influence of Sea Power: by the Rev. A. H. Johnson—*Campori's* Corrispondenza tra Muratori e Leibniz: by Principal Ward, Litt.D.—*Perkins*, France under the Regency: by A. F. Pollard—*Maugras*, Le Duc de Lauzun: by Principal Ward—*Wharton's* Captain Cook's Journal (1768-71): by Professor Laughton—*Conway*, Thomas Paine: by Professor Gonner—*Aulard*, Le Culte de la Raison, and Études et Leçons: by H. Fisher—*Gilbert's* Documents relating to Ireland (1795-1804): by R. Dunlop—*Adams*, History of the United States: by J. A. Doyle—*Brandstetter*, Repertorium: by the Rev. W. A. B. Coolidge—*Brooke*, Early English Literature: by F. Y. Powell—*Gummere*, Germanic Origins: by H. W. Blunt—*Koch*, Zur Geschichte der Politischen Ideen: by D. G. Ritchie—*Westerkamp*, Staatenbund und Bundesstaat: by the Rev. W. A. B. Coolidge—*Norman*, London Signs: by Miss E. Thompson—Short Notices 744

...st of Historical Books recently published 817

...ontents of Periodical Publications 825

...dex to Vol. VIII 833

TO BE CONTINUED QUARTERLY

LONDON: LONGMANS, GREEN, AND CO.

NEW YORK: 15 EAST 16th STREET

Price Five Shillings]

[All Rights Reserved

RECENT HISTORICA

CABINET EDITION OF GARDINER'S 'GR

HISTORY OF THE GREAT CIVIL WA
R. GARDINER, M.A. Hon. LL.D. Edinburgh, Ph.D. G
Honorary Student of Christ Church, Fellow of King's
With New Preface. In 4 vols. Crown 8vo. 6*s.* each.

CABINET EDITION OF MR. LECKY'S

THE HISTORY OF ENGLAND IN THE
TURY. By WILLIAM E. H. LECKY. Cabinet Editio
(ENGLAND, 7 vols. IRELAND, 5 vols.)

SECRET SERVICE UNDER PITT. By
Author of 'Ireland before the Union' &c. Second Editi

'A most original and interesting account. . . . Will be found of the utm
living authority on the Secret History. . . . This enigma of history [Turner]
Sydney; and his drafts, his *aliases*, and his *alibis*, which have long been among
are presented to us with as much certainty as the speeches of Grattan, or the
a rule, is far more astute than the Irish authorities or even the French police.'

A SHORT HISTORY OF IRELAND, from
By P. W. JOYCE, LL.D. Author of 'Irish Names of P
With a Map. Crown 8vo. 10*s.* 6*d.*

'If Dr. Joyce completes his second and more difficult volume as he has co
laborious, we shall have, what we never have had yet—a complete history of
reasonable limits, based upon direct acquaintance with all the original autho
intention throughout, and yet animated by sufficient partizanship to give spir

HISTORY OF ENGLAND UNDER HENR
WYLIE, M.A. one of H.M. Inspectors of Schools. 3 vols

**** *Vol. I. of this book was published in* 1884, *and the Aut*
the work in two volumes. He has found, however, that this is not
be necessary. The second volume will be published very shor
Appendices, during next year.

MEMOIRS OF THE VERNEY FAMILY
WAR. Compiled from the Letters and Illustrated by
Bucks. By FRANCES PARTHENOPE VERNEY. With a
LL.D. With 38 Portraits, Woodcuts, and Facsimiles.

THE MEMOIRS OF THE BARON DE
General in the French Army. Translated from the F
late Fellow of Trinity College, Cambridge. With 2
9 Maps. Fourth and Cheaper Edition, slightly abridged

'Delightful memoirs. . . . One of the most entertaining books we have re

GEOFFREY DE MANDEVILLE: a Study
ROUND, M.A. Author of 'The Early Life of Anne Boley

'Mr. Round treats his subject with great learning and acumen.'—TIMES.

ELIZABETH FARNESE: 'the Termagant of Sp
M.A. Fellow of Queen's College, Oxford. 8vo. 16*s.*

'An elaborate and painstaking study of European politics and diplomacy

THE HISTORY OF LONDON. By WALTER
'The Children of Gibeon,' &c. With 74 Illustrations.
Edition, price 1*s.* 9*d.*; Prize-book Edition, price 2*s.* 6*d.*

A FIRST HISTORY OF FRANCE. By
'A First History of England,' 'Stories from English
and 5 Coloured Maps. Crown 8vo. 3*s.* 6*d.*

London: LONGMANS, GREE
New York: 15 East 16th St

MESSRS. MACMILLAN & CO.'S NEW AND FORTHCOMING BOOKS.

HISTORICAL ESSAYS.

By the Right Hon. LORD ACTON.

WESTERN EUROPE IN THE FIFTH CENTURY.

Lectures delivered at Oxford. By E. A. FREEMAN, D.C.L., late Regius Professor of Modern History in the University of Oxford. 8vo.

WESTERN EUROPE IN THE EIGHTH CENTURY.

Lectures delivered at Oxford. By E. A. FREEMAN, D.C.L. 8vo.

A SHORT HISTORY OF THE ENGLISH PEOPLE.

By J. R. GREEN, M.A. Illustrated Edition. Edited by Mrs. J. R. GREEN and Miss KATE NORGATE. With Coloured Plates and numerous Illustrations. Vols. I. and II. have appeared, and Vol. III. is being issued in Parts. Part 25 now ready. Super royal 8vo. 1s. net each Part.

THE ENGLISH TOWN IN THE FIFTEENTH CENTURY.

By ALICE STOPFORD GREEN. 2 vols. 8vo.

THE UNITED STATES. An Outline of Political History, 1492-1871.

By GOLDWIN SMITH, D.C.L. Crown 8vo. 8s. 6d.

TIMES.—'His survey of events is luminous, his estimate of character is singularly keen and just, and his style is at once incisive, dignified, and scholarly. . . . No one who takes up Mr. Goldwin Smith's volume will readily lay it down before he has finished it; no one will lay it down without acknowledging the rare gifts of the writer.'

SATURDAY REVIEW.—'We are sure that it will be welcome to many who have no intention of ever visiting these States. It will be found very good reading by all who can appreciate a nervous, clear sketch of political history.'

WESTMINSTER GAZETTE.—'It has the same breadth of view and power of seizing salient points which were the notes of his work thirty years ago, and were especially conspicuous in his admirable *Irish History and Irish Character*, by far the best thing of its kind ever written about Ireland.'

LIFE IN ANCIENT EGYPT.

Described by ADOLF ERMAN; translated by H. M. TIRARD. With numerous Illustrations and Maps. Super royal 8vo.

ON GREEK DRESS.

By MARIA MILLINGTON EVANS. With Illustrations.

ATLAS OF CLASSICAL ANTIQUITIES.

By TH. SCHREIBER. Edited for English use by Professor W. C. F. ANDERSON, Firth College, Sheffield. Oblong 4to.

THE ENGLISH CITIZEN SERIES.

A New and Cheaper Edition. Crown 8vo. 2s. 6d. each volume. Will be published shortly:—

THE STATE IN RELATION TO LABOUR.

By W. STANLEY JEVONS, LL.D., F.R.S.

LOCAL GOVERNMENT.

By M. D. CHALMERS.

THE STATE IN RELATION TO EDUCATION.

By HENRY CRAIK, C.B.

The following volumes have already appeared:—

CENTRAL GOVERNMENT. By H. D. TRAILL.
THE ELECTORATE AND THE LEGISLATURE. By SPENCER WALPOLE.
THE LAND LAWS. By Sir F. POLLOCK, Bart. (2nd Edition.)
JUSTICE AND POLICE. By F. W. MAITLAND.
FOREIGN RELATIONS. By SPENCER WALPOLE.
THE POOR LAW. By the Rev. T. W. FOWLE.
THE PUNISHMENT AND PREVENTION OF CRIME. By Colonel Sir EDMUND DU CANE.

MACMILLAN & CO., London.

MESSRS. LONGMANS &

THE DIARY OF COLONEL PETER HAV
tions to Young Sportsmen.' With an Introduction by Si
With 2 Portraits and 8 Illustrations. 2 vols. 8vo. 32*s.*

PRESENTATION EDITION.

THE LIGHT OF THE WORLD; or, the Gre
By Sir EDWIN ARNOLD, K.C.I.E. Author of 'The Light of
With 14 Illustrations after Designs by W. HOLMAN HUNT

RE-ISSUE OF THE EARL OF LYTTO

THE WANDERER: a Poem. By the EARL O
New Edition. (Reprinted from the First Edition of 1858

*** *This Edition of the Earl of Lytton's Poems will be issued i*
issued in November, to be followed in January by a Volume of SE

ESKIMO LIFE. By FRIDTJOF NANSEN, Autho
Greenland.' Translated by WILLIAM ARCHER. With 1
Text. 8vo. 16*s.*

THIRD AND CHEAPER EDIT

WHERE THREE EMPIRES MEET: a N
Kashmir, Western Tibet, Baltistan, Ladak, Gilgit, and t
KNIGHT, Author of 'The Cruise of the *Falcon*' &c.
Crown 8vo. 7*s.* 6*d.*

WITH NEW APPENDIX, HAVING SPECIAL REFERE
CONDITION OF MASHONAL

THE RUINED CITIES OF MASHONA
Excavation and Exploration in 1891. By J. THEODO
Chapter on the Orientation and Mensuration of the Tem
Cheaper Edition. With Map, 13 Plates, and 104 Illustrati

CABINET EDITION OF GARDINER'S 'GRE

HISTORY OF THE GREAT CIVIL WAR
GARDINER, M.A. Hon. LL.D. Edinburgh; Ph.D. Götti
Honorary Student of Christ Church, Fellow of King's Co
With New Preface. 4 vols. crown 8vo. 6*s.* each.

MEMORIALS OF ST. JAMES'S PALA
SHEPPARD, M.A. Hon. Chaplain to the Queen, Sub-D
Illustrations.

MR. BESANT'S NEW BOOK ON

THE HISTORY OF LONDON. By WALTER
'The Children of Gibeon,' &c. With 74 Illustrations.
Edition, price 1*s.* 9*d.*; Prize-book Edition, price 2*s.* 6*d.*

AN EXAMINATION OF WEISMANNISM
M.A. LL.D. F.R.S. &c. Author of 'Darwin and After Dar
Weismann. Crown 8vo. 6*s.*

A HANDBOOK FOR MOTHERS: being S
Management of their Health during Pregnancy and
Directions as to the Care of Infants. By JANE H. W
and M.D. (Brux.), Out-Physician to the New Hospital f

THE SILVER LIBRARY.—

ERIC BRIGHTEYES: a Romance Founded on the Icelandic Sagas. By H. RIDER HAGGARD. With 17 Plates and 34 Illustrations in the Text by LANCELOT SPEED. Crown 8vo. 3*s* 6*d.*

COUNTRY PLEASURES: the Chronicle of a Year, chiefly in a Garden. By GEORGE MILNER. Crown 8vo. 3*s.* 6*d.*

MYTHS AND MARVELS OF AS-
TRONOMY. By R. A. PROCTOR. Crown 8vo. 3*s.* 6*d.*

NATURE
GRANT AL
Crown 8vo.

CUSTOM
LANG, M.
3*s.* 6*d.*

WOOD M
JEFFERIES.
E. V. B.

London: LONGMANS, GREE
New York 15 East 16th St

MESSRS. LONGMANS & CO.'S LIST.

LIFE OF EDWARD BOUVERIE PUSEY, D.D. By HENRY PARRY LIDDON, D.D. D.C.L. LL.D. Edited and prepared for publication by the Rev. J. O. JOHNSTON, M.A. Vicar of All Saints', Oxford; and the Rev. ROBERT J. WILSON, M.A. Warden of Keble College. 4 vols. 8vo. Vols. I. and II. with 2 Portraits and 7 Illustrations, 36*s*.

[*Second Edition now ready.*

THE BAMPTON LECTURES FOR 1893.

INSPIRATION: Eight Lectures on the Early History and Origin of the Doctrine of Biblical Inspiration. Being the Bampton Lectures for 1893. By the Rev. W. SANDAY, M.A. D.D. LL.D. Dean Ireland's Professor of Exegesis, Fellow of Exeter College, Oxford. 8vo.

[*In the press.*

NEW BOOK BY CANON HOLLAND.

GOD'S CITY: Four Addresses delivered at St. Asaph on the Spiritual and Ethical Value of Belief in the Church. To which are added Six Sermons on kindred subjects. By the Rev. H. S. HOLLAND, M.A. Canon and Precentor of St. Paul's. Crown 8vo.

[*In the press.*

CANON KNOX-LITTLE'S ANSWER TO ARCHDEACON FARRAR.

SACERDOTALISM, WHEN RIGHTLY UNDERSTOOD, THE TEACHING OF THE CHURCH OF ENGLAND: being a Letter Addressed in Four Parts to the Very Rev. William J. Butler, D.D. Dean of Lincoln, &c. &c. By W. J. KNOX-LITTLE, Canon Residentiary of Worcester, and Vicar of Hoar Cross.

PART I. CONFESSION AND ABSOLUTION. 1*s*. net.
PART II. FASTING COMMUNION AND EUCHARISTIC WORSHIP.

THE ESSENTIALS OF CHEMICAL PHYSIOLOGY. By W. D. HALLIBURTON, M.D. F.R.S. Professor of Physiology, King's College, London. With 74 Illustrations. 8vo. 5*s*.

DISEASES AND INJURIES OF THE TEETH, including PATHOLOGY AND TREATMENT: a Manual of Practical Dentistry for Students and Practitioners. By MORTON SMALE, M.R.C.S. L.S.A. L.D.S. Dental Surgeon to St. Mary's Hospital, Dean of the School, Dental Hospital of London; and J. F. COLYER, L.R.C.P. M.R.C.S. L.D.S. Assistant Dental Surgeon to the Dental Hospital of London. With numerous Illustrations. Large crown 8vo. 15*s*.

THE CHOLERA EPIDEMIC of 1892 IN THE RUSSIAN EMPIRE. With Notes upon Treatment and Methods of Disinfection in Cholera, and a short account of the Conference on Cholera held in St. Petersburg in December 1892. By FRANK CLEMOW, M.D.Edin. Member of the Epidemiological Society of London, &c. Royal 8vo. 5*s*.

MANUAL OF BACTERIOLOGY, for Practitioners and Students. With especial reference to Practical Methods. By Dr. S. L. SCHENK, Professor Extraordinary in the University of Vienna. Translated from the German, with an Appendix, by W. R. DAWSON, B.A. M.D. Univ. Dublin, late University Travelling Prizeman in Medicine. With 100 Illustrations, some of which are Coloured. 8vo. 10*s*. net.

MARINE BOILER MANAGEMENT AND CONSTRUCTION: being a Treatise on Boiler Troubles and Repairs, Corrosion, Fuels and Heat, on the Properties of Iron and Steel, on Boiler Mechanics, Workshop Practices, and Boiler Design. By C. E. STROMEYER, Graduate of the Royal Technical College at Aix-la-Chapelle, Member of the Institute of Naval Architects, &c. With numerous Illustrations. 8vo. 18*s*. net.

MR. LANG'S CHRISTMAS BOOK FOR 1893.

THE TRUE STORY BOOK. Edited by ANDREW LANG. With 8 Plates and 58 Illustrations in the Text by C. H. KERR, L. BOGLE, H. J. FORD, and LANCELOT SPEED. Crown 8vo. gilt edges, 6*s*.

A NEW BOOK FOR YOUNG NATURALISTS.

THE OUTDOOR WORLD; or, the Young Collector's Handbook. By W. FURNEAUX, F.R.G.S. With 546 Illustrations, including 16 Coloured Plates. Crown 8vo. gilt edges, 7*s*. 6*d*.

PART I. ANIMAL LIFE.—Chap. I. Ponds and Streams. II. Insects and Insect Hunting. III. The Sea-shore. IV. Snails and Slugs. V. Spiders, Centipedes, and Millepedes. VI. Reptiles and Reptile Hunting. VII. British Birds. VIII. British Mammals. PART II. THE VEGETABLE WORLD.—IX. Sea-weeds. X. Fungi. XI. Mosses. XII. Ferns. XIII. Wild Flowers. XIV. Grasses. XV. Our Forest Trees. PART III. THE MINERAL WORLD.—XVI. Minerals and Fossils.

London: LONGMANS, GREEN, & CO.
New York: 15 East 16th Street.

ROCK LIFE ASSURANC

ESTABLISHED 18

DIRECTORS.

JOHN WOLFE BARRY, Esq.
WILFRID ARTHUR EVAN, Esq.
GEORGE PARKER BIDDER, Esq. Q.C.
THE HON. WM. ST. JOHN F. BRODRICK, M.P.
GEORGE CROSHAW, Esq.
ARTHUR JONES LAURENCE, Esq.

CHARLES THO
THE RIGHT HO
CUTHBERT E
SIR CHARLES
THE HON. CHA
SAMUEL HAR

ACTUARY.
GEORGE S. CRISFORD, Esq.

ASS
A

IMMEDIATE PAYMENT

PAID in CLAIMS, upwards of £
PROFITS divided among Policy-holders, u

THE PERFECT

INDISPUTABLE—NON-FORFEITAB

Securing a Capital Sum down, Annuity or Pension, M
Endowment, or Provision in case o

LEASEHOLD POLICIES.

MAKI
AS

CHIEF OFFICE.

15 NEW BRIDGE STREET,

West End Agency: 27 CHARLES STREE

BRANCH OFFICES.

MANCHESTER: Guardian B
LEEDS: 88 Albion Street. GLASGOW
BIRMINGHAM: 50 Cherry Street. BEL

GE

APPLICATIONS FOR AGENCIES INVI

WORKS BY SAMUEL RAWS

M.A. Hon. LL.D. Edinburgh; Fellow of Mer

HISTORY OF ENGLAND, from the Accession
of the Civil War, 1603–1642. 10 vols. crown 8vo. 6*s.* each

A HISTORY OF THE GREAT CIVIL WA
8vo. 6*s.* each.

THE STUDENT'S HISTORY OF ENGLA
Crown 8vo. 12*s.*

Also in Three Volumes.

Vol. I. B.C. 55–A.D. 1509. With 173 Illustrations.
Vol. II. 1509–1689. With 96 Illustrations. Crown
Vol. III. 1689–1885. With 109 Illustrations. Crow

A SCHOOL ATLAS OF ENGLISH HIST
Gardiner's 'Student's History of England.' Edited by S
LL.D. With 66 Maps and 22 Plans of Battles, &c. Fcp.

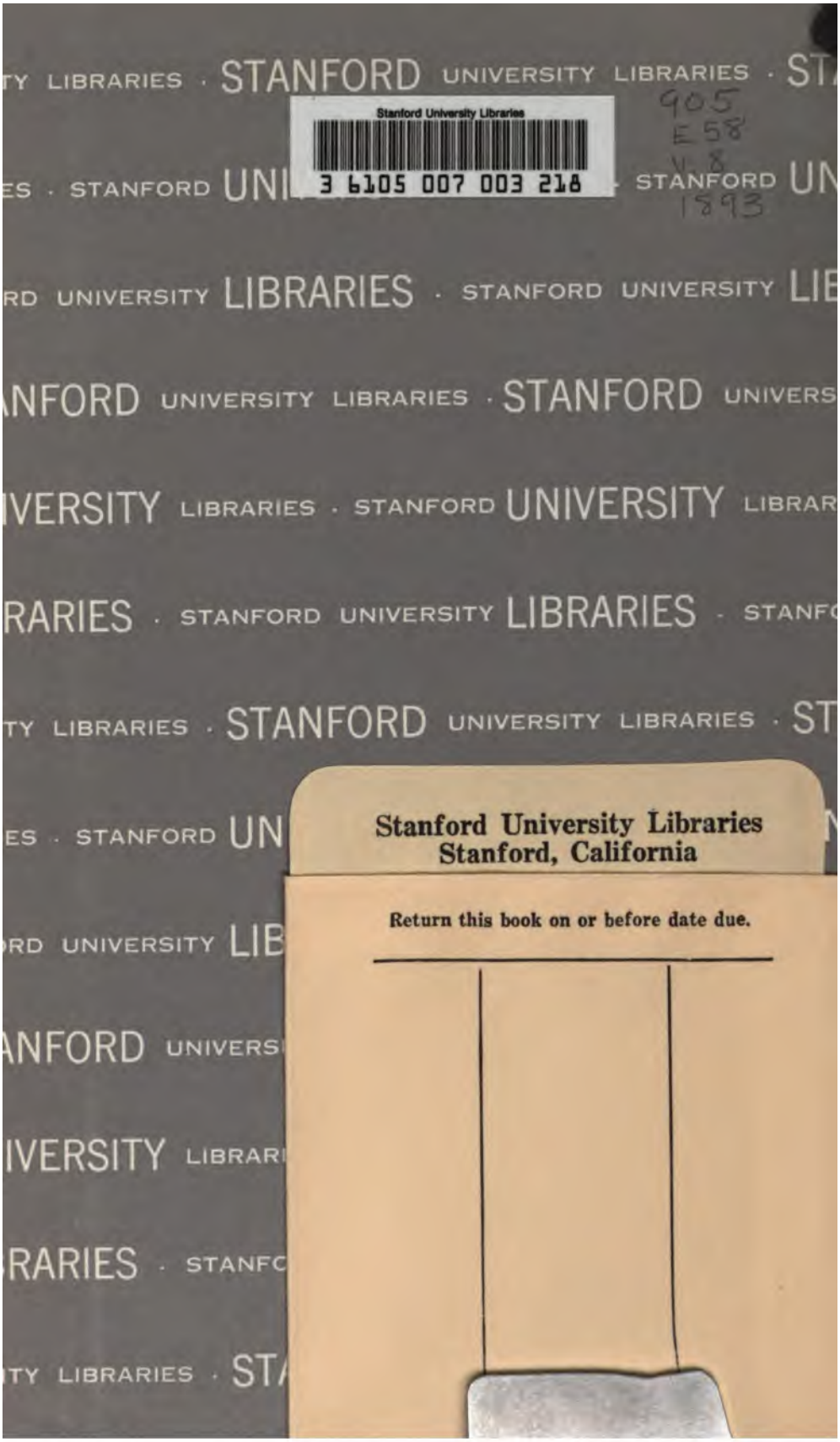
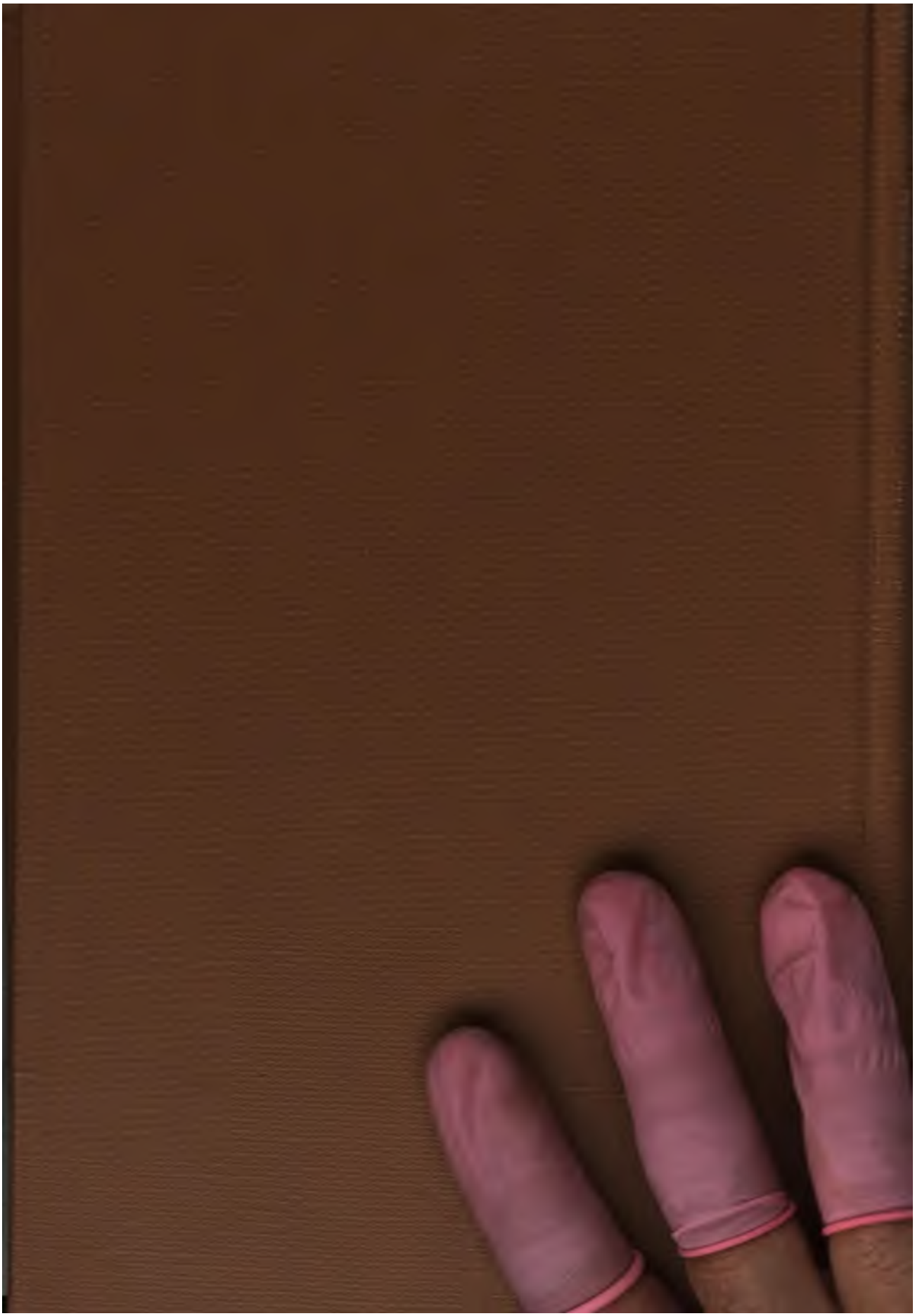
THE FIRST TWO STUARTS AND THE
TION (1603–1660). By SAMUEL RAWSON GARDINER.
(*Epochs of Modern History.*)

OUTLINE OF ENGLISH HISTORY, B.C. 55
cuts and 17 Maps. Fcp. 8vo. 2*s.* 6*d.*

THE FRENCH REVOLUTION, 1789–1795.
With 7 Maps. Fcp. 8vo. 2*s.* 6*d.* (*Epochs of Modern Hist*

London: LONGMANS, GREEN,
New York: 15 East 16th Stree

ORD UNIVERSITY LIBRARIES · STANFORD UNIVERS
RSITY LIBRARIES · STANFORD UNIVERSITY LIBRA
RIES · STANFORD UNIVERSITY LIBRARIES · STANF
LIBRARIES · STANFORD UNIVERSITY LIBRARIES · ST
STANFORD UNIVERSITY LIBRARIES · STANFORD U
UNIVERSITY LIBRARIES · STANFORD UNIVERSITY LI
ORD UNIVERSITY LIBRARIES · STANFORD UNIVERS


Stanford University Libraries
3 6105 007 003 218
905
E58
v.8
1893
Stanford University Libraries
Stanford, California
Return this book on or before date due.